Watson's Magazine

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Greatness

S. E. Kiser

The world looks up at him with envious awe
Who rules where millions yield obedience,
Whose word is final and whose will is law,
Who in his purple apes Omnipotence.
The world looks up at him with flattering eyes,
And lauds him for the vastness of his estate;
And for his heaps of treasure calls him wise,
And for his army's triumphs calls him great.

But wiser than the one who rules is he
Who gives to them that hew and sow and glean
The knowledge that the souls of men are free,
That pomp is vain, that bigotry is mean.
And greater than the leaders whose commands
Brings triumphs to their armies are they who teach
That dignity may be in calloused hands,
That what is right for all is just for each.

Watson's Magazine

THOS. E. WATSON, Editor

Vol. XXV SEPTEMBER, 1917 No. 5

King Henry VIII., His Wives, and His Children.

Sketches of Contemporaneous Kings, Queens, and Popes.

FOLLOWING the death of Edward VI., came the nine-day reign of Lady Jane Grey. She was the grand-daughter of Mary Tudor, the youngest and most lovable of the children of Henry VII. and Elizabeth of Woodville. The blended Roses of York and Lancaster produced no sweeter flower. Virtually forced to marry the worn-out and diseased King of France, Mary next married Charles Brandon, for love; but that brilliant rascal treated her badly, as he did all other women. Apparently she died of appendicitis, or of cancer of the liver; and her dashing husband did not attend either her death-bed or her funeral (1533).

The chief mourners, who followed the hearse which carried the body of Mary Tudor to Bury Abbey, were the two daughters, Frances and Eleanor. They rode the same horse in the procession, Frances in the saddle, and Eleanor on the pillion behind—a sidelight on the 16th Century modes of travel.

Charles Brandon ended his variegated career in 1545, after a long illness from the same complication of diseases which carried off Henry VIII., heart-failure, gout, dropsy, and rheumatism.

Frances Brandon married Henry Grey, Marquess of Dorset, afterwards Duke of Suffolk, who lost his head on the block; and after this event, the Lady Frances,—a buxom, comely, red-haired person—married a lusty yeoman, whose social station was much below her own; and it is recorded of her, that she changed her religion as often as that of the ruling sovereign changed, having been in outward accord successively with her uncle, Henry VIII.; her cousin, Edward VI.; her daughter, Queen Jane; her cousin, Queen Mary; and finally, her other cousin, Queen Elizabeth.

The eldest surviving child of this Lady Frances, was the Lady Jane Grey, so mournfully celebrated in the tragic history of British factional politics. She was a girl of extraordinary talent, devoted to classical studies and proficient in them. At the age of seventeen, she was small in stature, and thin, with a reddish hazel eye and a complexion somewhat marred by freckles; but she was pleasing in appearance, lady-like in manner, irreproachable in character, fitted in every way to adorn a private, domestic world. She had no ambition to play

a part on the public stage, and the evidence is clear that she yielded with the utmost reluctance to those aspiring kinsmen who made a tool of her.

John Dudley, Duke of Northumberland, had swept the Seymours from his path, and it was a part of his ambitious plan to unite his son with the semi-royal house of Suffolk. Hence the marriage of Lady Jane to Guildford Dudley.

The next step was, to prevail upon the dying youth, Edward VI., to sign a paper altering the succession, and devising the crown to Jane Grey and her heirs. Letters patent, under the Great Seal, signed by over a hundred of the highest lords and officials, were issued, July, 1553; and, a few days later, the King passed away.

Had John Dudley's daring and ability equaled his soaring aims, he would have secured possession of the persons of the Princesses Mary and Elizabeth, before their brother died, and would have organized his own supporters; but he allowed the opportunity to go unimproved, and when at length he summoned the Princess Mary, there was a loyal Protestant — Sir Nicholas Throgmorton — who secretly warned her that the King was no more, and that her summons to Court was the lure of her enemies. She escaped the snare by a rapid horseback ride, *away from* London.

When notified of her accession to the Crown, Lady Jane Grey was overwhelmed by her feelings, fainted, and fell. She did not seem, however, to question her right to take the benefit of the late King's "devise." Nor does she appear to have been conscientiously disturbed on account of the disinheritance of her cousins. This may be explained upon the idea that both Mary and Elizabeth had been declared illegitimate. The Catholics always claimed that Anne Boleyn was but a concubine, and Elizabeth a bastard: the Protestants held the same opinions, as to Catherine and Mary.

It was a curious exhibition of poor, frail human nature, when a fierce quarrel immediately sprung up, in the families of Dudley and Grey, over the demand of the husband of Queen Jane to be made King. His seventeen-year-old wife was willing to elevate him to a Dukedom, but not to a seat beside herself on the throne! Her haughty mother-in-law, the Duchess of Northumberland, furiously berated her for this, and commanded her son to abandon Jane's bed, until she should come to reason. Of all the pitiful quarrels excited by human vanity, surely few are more pitiful than that between the "Nine-Day Queen," and her nineteen-year-old husband.

In the meantime, the Princess Mary had asserted her rights, with the pluck of the Tudors, and men were flocking to her standard. John Dudley did nothing of consequence. He consulted and hesitated and took half-measure, while Mary's power was fast becoming irresistible. When at length he did move, his forces were to weak and uncertain. His own unpopularity and the certainty that he would misgovern the country in the name of Queen Jane, were her undoing.

Like a play on the stage, the scene shifted; and there was a frantic scamper of scared men to lay their swords at the feet of the courageous daughter of Henry VIII. The loyalty which the English never ceased to feel for "Bluff King Hal," was the salvation of Mary; and when she rode into London, through shouting throngs, she was queen of hearts, as well as Queen of the realm.

It was in her power to have given her subjects *peace*, and to have taught them *toleration;* and, so, to have linked her name in history with that of the peerless Knight of the white plume, Henry of Navarre. But fate ordered it otherwise; and, within half-a-dozen years after all England, Protestant and Catholic, had borne Mary to the throne of her fathers — borne her literally on their voluntary uprising of stalwart loyalty and sense of right—she was universally execrated and detested.

One thing that contributed vastly to the overthrow of Queen Jane, was Mary's solemn pledge, *to not interfere*

with any one's religion. Without such a public promise, the issue might have long been in doubt.

But, before long, it became apparent that the Queen did not mean to keep faith. Intensely Catholic, and humbly obedient to the priests, she soon gave Protestants cause for dismay. The Reforming bishops were cast out; the Papist prelates were re-installed; the Mass was again celebrated, the images set up, the old ritual restored.

Some of the leading Reformers took warning, and fled to the continent. Others remained, and endeavored to compose the differences between the sects, but the task was hopeless, and the full reaction toward Rome set in, with Bishops Gardiner and Bonner urging it to ruthless extremes.

John Dudley, Duke of Northumberland, was executed for treason; Lady Jane Grey, her husband, her brother, and her uncle remained prisoners in the Tower.

In 1554, Queen Mary's projected marriage with King Philip II. of Spain, threw the Protestants into a panic. Sir Thomas Wyatt headed a rising; but it was ill-concerted, and strengthened the throne it meant to overturn. His failure cost him his life, and brought death upon the unfortunate Lady Jane Grey and her companions in prison. Queen Mary seemed most eager to implicate and destroy her sister Elizabeth, but no evidence against her could be found. She was, however, kept in close confinement, and treated with a rigor she never forgave. In fact, nothing but the vehement opposition of the Council prevented Queen Mary from having her half-sister's head struck off; and for many and many a trying month, as years passed, Elizabeth lived in continual dread of her father's pious daughter. The Emperor Charles V.—also a most pious person—advised his cousin Mary to put Elizabeth to death; but the same English traits of loyalty and sense of right that had served one of the daughters of Henry VIII., served the other, and preserved her life. Queen Mary dared not defy her own Council.

In the out-of-print book, "A Brief History of the British Reformation," it is stated that Bishop Gardiner sent to the lieutenant of the Tower *a warrant for Elizabeth's execution;* but this officer, hesitating to act without the Queen's signature, went directly to her, and she disavowed the death-warrant. As she never rebuked Gardiner for his sinister effort to have Elizabeth summarily put out of the way, the suspicion arises that she was privy to the murderous design, and favored it.

(Page 55, "British Reformation.")

The general situation is very well summed up in the book just cited:

To understand clearly the state of religion in England when Queen Mary came to the throne, we must remember what were the leading doctrines of Romanism which had been laid aside during the preceding reign. At the death of Henry the Eighth, little had been effected more than casting off *the supremacy of the pope*, the abolition of *monastic establishments*, and a limited permission to use *the Scriptures in the vulgar tongue.* These, however, were very important points to gain; and the fabric of superstition was so far shaken by their removal, as to give way more easily to the calm and persevering efforts of the reformers, during the reign of Edward the Sixth. Thus, at the decease of that excellent prince, all the main objects had been obtained. *Image worship* was prohibited. *Transubstantiation*, and the *sacrifice of the mass*, were no longer substituted for the Supper of our Lord. The *free use of the Scriptures* was allowed to the laity of every rank and degree. *Traditions of men* were laid aside. *The worship of saints and the virgin* no longer usurped the place of that honour which is due unto God alone. *Prayers* were no longer offered in *an unknown tongue. The clergy were not prohibited from marriage.* The belief in *purgatory, indulgences*, and all the gainful traffic of the Romish Church, were no longer encouraged. But, ABOVE ALL, the great doctrine of salvation, by faith in Christ alone, was set forth to the people, as the only ground for their hope and con-

fidence, and as the only source of good works, and holiness of heart and life.

Although the Reformation had apparently made an extensive progress, many circumstances existed which weakened its influence upon the nation at large. The greater part of the people were only outward professors; they had taken up the profession for selfish and worldly ends, seeking for gain or patronage; upon such persons, of course, no dependence could be placed. Like Demas of old (2 Tim. iv. 10), they loved this present world, and were ready to become Romanists or Protestants, as might best suit their worldly prospects. Such will be found in every church, in all ages. A large proportion of the common people remained in ignorance; and, of course, had a natural preference for the tenets held by their fathers. Cranmer, and his associates, endeavoured to remove this ignorance, but were able to effect but little during the short reign of Edward, as their efforts were counteracted by many of the prelates, and the greater part of the clergy, who still remained Romanists at heart, although outwardly they conformed to the measures from time to time brought forward by authority. A large proportion of them, as already noticed, had formerly been monks or friars, who were preferred to livings, to save a small annual charge to the new possessors of the abbey lands; and, as Burnet observes, "the proceedings in king Edward's time were so gentle and moderate, flowing from the calm temper of Cranmer, and the policy of others, that it was an easy thing for a concealed papist to weather the difficulties of that reign, retaining all his influence, and having prevented that improvement which might have been expected to result from the conscientious labours of an opposite character."

These circumstances account for the small progress which the Reformation had really made at the death of Edward, and the faint opposition made to the bloody and bigoted proceedings of Mary.

Some few of the reformers believed that it might be the will of God that the government should be placed in the hands of so pious and excellent a character as the lady Jane, rather than those of the bigoted Mary. But the greater part of them and the nation in general could not approve of this unlawful method of depriving Mary of her right; while those who favoured popery, were eager to bestir themselves in her cause. The duke of Northumberland's proceedings were as ill-judged as they were illegal; in thirteen days the reign of his daughter-in-law was at an end, and she expressed far greater pleasure in resigning the crown than in assuming it.

Mary was chiefly indebted to the protestants for this easy victory over her enemies. The men of Suffolk were generally favourers of the Reformation, but they could not approve the depriving the rightful heir of her inheritance. They resorted to her in great numbers, and inquired whether she would allow all matters connected with religion to remain as in the days of king Edward. She gave them the *fullest assurances, and most positive promises*, that she would not make any alteration or change, but would be satisfied if she were allowed privately to follow her own religion. Upon this, the nobility and gentry of that county raised forces, and took such effectual measures, that Mary was proclaimed queen on the 3d of August.

On her arrival at the Tower, she sent for the lord-mayor and aldermen: and, among other matters, confirmed her declaration already mentioned; by telling them, "that although her own conscience was stayed (or fixed) in matters of religion, yet she meant not to compel or strain other people's consciences, otherwise than God should, as she trusted, put in their hearts a persuasion of the truth."

Thus Mary was placed upon the throne of England, principally in consequence of her promise that she would not alter the Protestant religion, as then established by law! But she broke this promise without offering even an excuse for so doing; thus she practically evidenced, that, in her opinion,

Romanists are justified in breaking faith with heretics. This principle was openly maintained by popes and doctors of the church of Rome in former times, and they declared, that "An oath taken against the benefit of the church is not binding."

Certainly, queen Mary's protestant subjects had reason to expect, at least, toleration from her. In addition to their exertions in her behalf, and her positive promise that no changes in religion should be attempted, they had a claim upon her gratitude of still longer standing, for Cranmer interposed in her behalf, and persuaded Henry to lay aside his intention of putting her to death; which had gone so far, that her mother write her a letter, still extant, encouraging her to suffer patiently, submitting to the king's commands in all matters, *except* religion.

Queen Mary was thirty-six years old, and looked it: she was short, thin, and wrinkled; her complexion spoke of frequent bad health: her eyes were small and hard: her voice was that of a man, and her courage was unfailing. Her education had formed her into an ideal Catholic, and she most devoutly believed that the priests were more powerful than the angels. Her faith caused her to doubt the virtue of the Holy Coronation Oil, which must have shared the baleful effects of the papal Interdict laid upon England; therefore, she sent to the Netherlands for a fresh supply of the most blessed lubricant, especially consecrated for Mary's use by the Bishop of Arras.

(Froude's England, Vol. VI., Chap. XXX.)

As yet, the Act of Parliament declaring Mary a bastard was unrepealed, and there were serious difficulties as to the wording of the coronation oath; but Mary fell upon her knees before the hesitating Lords of the Council, and passionately appealed to their magnanimity. The plea was irresistible; the Lords melted to tears, and Mary had her way.

On August 31, 1553, she was duly ushered into the royal office, with the usual fanfare of ceremony, the defiant challenge of the national champion, and the unctious dripping of the fresh oil from Flanders.

The first Parliament of the reign--October, 1553—hotly debated the reformed Prayer Book, and set it aside by a majority of two-thirds; but on the question of the confiscated lands of the church, now held by 40,000 virtuous Englishmen, the Queen could make no headway. The Prayer Book could be given up, but not the broad acres.

The validity of the marriage of Henry VIII. and Catherine was declared, and thus Mary's legitimacy was again settled, after having been variously unsettled by the divorce and by the former act of Parliament.

Preaching was peremptorily stopped: whoever desired to expound the Scriptures or exhort sinners to repentance, had to get a Roman Catholic license.

(Aubrey's "English Nation," Vol. II., p. 190.)

Priests were again forbidden to marry, and those who had taken wives were ousted from their parishes. Bishop Bonner, a priest's bastard son and the father of bastards himself, became a rabid persecutor of the married pastors, as did the unmerciful Gardiner.

Historians relate that the Emperor Charles V. sent an enormous sum of money to be laid out in bribes among the faltering members of Parliament, and it is alleged that this was the first time that a British government was thus debauched. Charles' continental experience had made him an adept at the business.

Although the Queen was in her 37th year, she was full of feminine vanity, delighted in gorgeous raiment, and yearned for husband and children. The Emperor pressed her to accept his son, Philip, and she eagerly entered into the negotiation. When her alarmed Parliament sent a deputation, remonstrating against the Spanish match, she snubbed it vehemently, declaring in substance that Parliament had no right to interfere.

Philip II., who lived to be seventy-

one years old, and who caused the deliberate killing of 100,000 human beings because they could not conscientiously worship a piece of bread, was a widower, twenty-six years old, with an only son, whose intended bride he was afterwards to appropriate for himself, and whose life he was to take under circumstances never freed from mystery.

Like Mary, the widower-groom was short, not robust, yellow-haired, yellow-bearded, with thick under lip, and a jaw out of proportion to the rest of his face. He had no vivacity of manner, no affability, no magnetism, and repelled rather than attracted the common people. But Mary became dotingly fond of him; and her ardent wish for a child, so often and so openly avowed, awakes a feeling of pity for the neglected wife—barren, as well as unloved. Marrying for political reasons, Philip spent little of his time in England, and was not there when his wife sank under disappointments and physical ailments.

Aubrey says in his "English Nation":

"Married on July 20, 1554, most of his time, after the abdication of his father in October of the following year, was passed in Spain; planning the affairs of his vast dominions, the assassination of rivals, the extirpation of heresy, the election of Popes devoted to his interests, and other schemes, over which he brooded and toiled, like the web of a gigantic spider."

Speaking of Philip's arrival in England, Froude says—

"To the cathedral he went first . . . Whatever Philip of Spain was entering upon, whether it was a marriage, or a massacre, a state intrigue or a midnight murder, his opening step was ever to seek a blessing from the holy wafer."

In his magnificent book on Spain, John Hay says:

"So terrible was this absolute command of the spiritual and physical forces of the kingdom possessed by the monarchs of that day, that when the Reformation flashed out, a beacon in the northern sky of political and religious freedom to the world, its light could not penetrate into Spain. There was a momentary struggle there, it is true. But so apathetic was the popular mind, that the effort to bring it into sympathy with the vast movement of the age, was hopeless from the beginning. The axe and the fagot made rapid work of the heresy. After only ten years of burnings and beheadings Philip II. could boast that not a heretic lived in his borders.

Crazed by his success and his unquestioned omnipotence at home, and drunken with the delirious dream that God's wrath was breathing through him upon a revolted world, he essayed to crush heresy throughout Europe; and in this mad and awful crime his people undoubtingly seconded him. In this he failed, the stars in their courses fighting against him, the God that his worship slandered taking sides against him. But history records what rivers of blood he shed in the long and desperate fight, and how lovingly and adoringly his people sustained him. He killed, in cold blood, some forty thousand harmless people for their faith, besides the vastly greater number whose lives he took in battle.

Yet this horrible monster, who is blackened with every crime at which humanity shudders, who had no grace of manhood, no touch of humanity, no gleam of sympathy which could redeem the gloomy picture of his ravening life, was beloved and worshipped as few men have been since the world has stood. The common people mourned him at his death with genuine unpaid sobs and tears. They will weep even yet at the story of his edifying death, —this monkish vampire breathing his last with his eyes fixed on the cross of the mild Nazarene, and tormented with impish doubts as to whether he had drunk blood enough to fit him for the company of the just!"

In Turner's "Modern History of England," we read—

"The abortive insurrection of Sir Thomas Wyatt was the real overthrow

of the Reformation in England . . . He had been to her (Queen Mary) a friend so ardent as to have courageously proclaimed her queen at Maidstone, before he knew that any others had taken that decided step; but as he was an earnest Protestant, the proposal and progress of the Spanish match united him with those who were apprehensive of its religious consequences."

A blacker case of ingratitude, was Mary's determined prosecution of Sir Nicholas Throgmorton, the loyal Protestant to whose warning she owed her escape from the trap set for her by John Dudley.

When the jury returned a verdict of "Not Guilty," the implacable Queen imposed a ruinous fine on them, and reimprisoned Throckmorton!

The first aim of Philip and Mary was, to reconcile England with the Papacy. *This* Spanish marriage was to repair the injury which the earlier Spanish marriage had done: Mary would atone for her father, and Philip's benign influence would restore those happy relations which Queen Catherine had been the innocent cause of rupturing. The apprehensions of those who held the confiscated estates were allayed; the peers were won over by lavish "pensions," and the House of Commons was packed with corrupted time-servers. The attainder of Cardinal Pole was annulled, and he came to London with all the pomp of papal legate, reconquiring a lost papal province. Parliament voted the Kingdom back into obedience to the Pope, the laws against papal jurisdiction were repealed, and Lords and Commons went down on their knees before the Legate, while he unctiously restored the realm to a state of grace and opened the closed doors of Heaven to all repentant Englishmen.

But when the Queen let it be understood that she wanted her sister Elizabeth removed from the line of succession, or at least postponed to that of Philip, the temper of Parliament immediately became rebellious. Nothing in that direction could be done. The laws against heresy were revived, however, and in 1555 the persecutions began.

It is painful to record that Cardinal Reginald Pole was one of the chief instigators of the atrocities which followed. He announced his policy as papal legate in these words:

"All heretics, who hold or teach otherwise than as the Roman church believes and holds, are condemned and cursed; . . . and all censures and punishments appointed by law against heretics and their defenders; and all ordinaries and others who shall be negligent in extirpating heresy, are exacted; and all bishops who neglect to extirpate heresies, shall themselves be punished."

The historian, Turner, says that, "The victims began in February, 1555, and continued to be sacrificed in the last year of Mary's reign, when Pole . . . published new edicts . . . and only a short time before his own death consigned three men and two women to perish by this terrible death"—*i. e.*, by being burnt at the stake.

Knight's History of England tells the terrible story so well, that I make no apology for using it here, to avoid every suspicion of exaggeration on my own part:

CHAPTER LXVI.

The Marian persecution—Summary of the victims—Commission to try preachers and heretics—Hooper and four others condemned—Martyrdom of Hooper—Rowland Taylor — His martyrdom at Hadleigh—Married clergymen especially persecuted—Thomas Hawkes and Bishop Bonner — Philpot — Toleration not practised by Reformers—The spy system for discovery of heresy—Martyrdom of Latimer and Ridley—Cranmer's recantation — His repentance, and last exhortation—His martyrdom.

The act of 1555, for the renewing of the statutes for the punishment of heretics, which statutes had been repealed in 1547, was not to sleep. Gardiner and Bonner were not to play the part of "fond fathers," who had "bound up the threatening twigs of birch," only to stick the rod "in their children's sight for terror, not to use." With exquisite candor we

are told, "One knows perfectly, and is tired of being told over and over again, that the law for burning heretics was a very bad law, and ought never to have existed. But, in fact, it did exist, and it was the law of the country." On the 19th of January, 1555, that law was not in force. On the 20th of January it came into full operation. On the 4th of February, John Rogers was burned in Smithfield under the act for the renewal of the statutes "concerning punishment and reformation of heretics and Lollards." On the 8th of February, Laurence Saunders was burned at Coventry. On the 9th, John Hooper was burned at Gloucester. On the same day Rowland Taylor was burned at Hadleigh. Previous to the enactment which came into force on the 20th of January, the Ordinaries had "wanted authority to proceed" against those who were infected with "errors and heresies which of late have arisen, grown, and much increased within this realm"; and thus these four of the first Protestant martyrs could not have been burned until a new law was passed. The meaning of the law was made perfectly intelligible to all England from the 4th of February, 1555, to the 10th of November, 1558, that crowning offering of five heretics at Canterbury, of whom two were women, having taken place one week before the death of Queen Mary. These executions were not sharp and passionate outbursts of ecclesiastical power, exasperated by popular fury; or of regal tyranny, hurried into extremities by dread of rebellion. They were the calm and deliberate exposition of the principles by which England was to be governed under its Roman Catholic church and sovereigns. The appetite for blood was to be sustained in healthful energy, and not sickened by inordinate meals. In 1555, seventy-one heretics were executed; in 1556, eighty-three; in 1557, eighty-eight; in 1558, forty. There was also a nice adjustment of the number of victims to the local demand. We are accustomed to talk of "the fires of Smithfield," as if London had a very undue proportion of the instruction of such sights. But in these four years, during which London and Middlesex saw fifty-eight executions, Kent had fifty-four, Essex fifty-one, Sussex forty-one, Suffolk and Norfolk thirty-one, Gloucester nine, Warwick six, while thirty-two were distributed over thirteen other districts. Nor was the lesson of the fagot confined to bishops and priests. Strype makes a total of the burnings to be 288; Speed, 277; and he classifies them as five bishops, twenty-one divines, eight gentlemen, eighty-four artificers, a hundred husbandmen, servants, and laborers, twenty-six wives, twenty widows, nine unmarried women, two boys, and two infants. No selection could have been more impartial.

On the 1st of January, 1555, the work was actively commenced that, in the end, was to make England thoroughly Protestant. Many of the leading divines were in prison; but smaller birds were to be taken in the fowler's nest. On that day Thomas Rose, a man whose somewhat extravagant zeal had brought him into trouble in the days of King Henry, was arrested with thirty of his congregation, at a sheerman's house in Boy Churchyard. Driven from the use of the English service book which was banished from the churches, offended with the doctrines and ceremonial observances which had again become universal, they prayed in secret, and often changed their places of meeting. They assembled in ships lying in the Thames, in empty lofts, in the fields. They held correspondence with those in exile; they made collections for those in prison. When men are oppressed for conscience sake no dread of imprisonment or death can prevent their combination. In the meetings of these impassioned men, the English spirit of hatred of tyranny was probably as strong as the Christian spirit of patience; and thus it has been a reproach to the sufferers in the Marian persecution that, smitten on one cheek, they did not invariably turn the other cheek to the smiter. In all this terrible history there is nothing more remarkable than the boldness with which the reproofs and scoffs of their judges were often met by defiance and contempt from learned and ignorant. These men knew that they were set upon a stage, to fight or to yield. There was only one of two courses open to them—to apostatize or to die. When they made up their minds to die, they were not likely to show any especial reverence to the persons, or the offices, of the chancellor or the bishop whom they knew to be the instigators of their persecution. The men of the conventicle in Bow Churchyard went to join many of the same minds in the Marshalsea, the Fleet, and the Clink; and Hooper, the deprived bishop of Gloucester, wrote to them from his own prison a letter of consolation, in which he says, "Dear brethren and sisters, continually fight the fight of the Lord. Your cause is most just and godly. . . . The adversaries' weapons against you be nothing but flesh, blood, and tyranny. . . . Boldly withstand them, though it cost you the price of your life." On the 22d of January the preachers who were in prison were brought up before Gardiner, the bishop of Winchester, and others, at the bishop's house in Southwark, and to the question whether they would become convert, having replied that they would stand to what they had taught, were committed to stricter confinement. Rogers, who had been a prebendary of St. Paul's, was one of these. Cardinal Pole, on the 23d, ex-

horted the members of convocation to repair to their cures, and there to win the people with gentleness, and not endeavor to overcome them by rigor. On the 25th, St. Paul's day, there was a solemn procession of bishops and priests to St. Paul's to offer thanksgiving for their conversion to the Catholic Church; and the king was there, and the cardinal; and that day was ever afterward to be celebrated as The Feast of the Reconciliation. But though Pole was probably sincere when he exhorted to gentleness instead of rigor, he left a little instrument in the hands of the bishop of Winchester, under which, as he might easily have anticipated, some rough work would be accomplished. On the 28th a commission, under the authority of the cardinal legate, held its first sitting in the church of St. Mary Overies, to order, according to the laws, all such preachers and heretics as were in prison. Including Gardiner and Bonner, there were present thirteen bishops, and several noblemen and other lay commissioners.

They sat again on the 29th and 30th. One these occasions there were no long scholastic disputations, as in the cases of Cranmer, Latimer, and Ridley, at Oxford. The mode of proceeding with Dr. Rowland Taylor, which he has himself recorded, was probably nearly the same with all. "First, my lord chancellor said, 'You among others are at this present time sent for, to enjoy the king's and queen's majesties' favor and mercy, if you will now rise again with us from the fall which we, generally, have received in this realm; from the which, God be thanked, we are now clearly delivered miraculously. If you will not rise with us now, and receive mercy now offered, you shall have judgment according to your demerit.' To this I answered, that so to rise should be the greatest fall that ever I could receive; for I should so fall from my dear Saviour Christ to Antichrist." There were then exhortations to submit, assuming various forms of reproach or solicitation, which were refused in no very measured terms. The colloquy between Gardiner and Rogers offered a characteristic example. "Gardiner said it was vainglory in him to stand out against the whole church. He protested it was his conscience, and not vainglory, that swayed him; for his part, he would have nothing to do with the antichristian Church of Rome. Gardiner said by that he condemned the queen, and the whole realm, to be of the church of Antichrist. Rogers said the queen would have done well enough if it had not been for his counsel. Gardiner said the queen went before them in those counsels, which proceeded of her own motion. Rogers said he would never believe that. The bishop of Carlisle said they could all bear him witness to it. Rogers said they would all witness for one another." On the first day of these scenes at St. Mary Overies, the proceedings were public, and a great crowd filled the church. On the other days the doors were shut. The boldness of such resolved men was a dangerous example. The commissioners abruptly terminated their immediate work in the condemnation of Hooper, Rogers, Taylor, Saunders, and Bradford, who at the same time were excommunicated. The sentence upon Bradford was not executed till July. The fate of the other four was more quickly decided.

It has been truly observed by a judicious writer, that in the limited historical reading of young persons, "the horrors of this period have been suffered to hold too prominent a place." Minute details of physical sufferings, even when they are associated with the heroic fortitude of the sufferers, had better be imagined than related. Yet it is impossible to pass over this momentous period of English history with any vague notice of the great battle that was then fought between Romanism and Protestantism. We must look upon tho combatants in this unequal fight of conscience against power, as they present themselves in their individual actions and characters, to be enabled properly to appreciate their spiritual victory in their deepest degradation. Beautifully has it been said, "The firm endurance of sufferings by the martyrs of conscience, if it be rightly contemplated, is the most consolatory spectacle in the clouded life of man; far more ennobling and sublime than the outward victories of virtue, which must be partly won by weapons not her own, and are often the lot of her foulest foes. Magnanimity in enduring pain for the sake of conscience is not, indeed, an unerring mark of rectitude; but it is, of all other destinies, that which most exalts the sect or party whom it visits, and bestows on their story an undying command over the hearts of their fellow-men."

Fuller, in two of his suggestive sentences, has attempted to give the characteristics of the chief of the sufferers: "The same devotion had different looks in several martyrs; frowning in stern Hooper, weeping in meek Bradford, and smiling constantly in pleasant Taylor." Again: "Of all the Marian martyrs, Mr. Philpot was the best-born gentleman; bishop Ridley, the profoundest scholar; Mr. Bradford, the holiest and devoutest man; archbishop Cranmer, of the mildest and meekest temper; bishop Hooper, of the sternest and austerest nature; Dr. Taylor had the merriest and pleasantest wit; Mr. Latimer had the plainest and simplest heart." Let us first look at the stories of "stern Hooper" and "pleasant Taylor," to see how the same earnest convictions elevate the "austerest" and the "merriest" natures into equal sublimity and beauty. They suffered on the same day.

After Hooper's condemnation he was visited by Bonner and his chaplains, in Newgate, to persuade him to recant. The rumor went forth that the fear of death had prevailed over his constancy. Fox says that the persecuting bishop and his emissaries spread these rumors to bring discredit on Hooper and his devotion. "What motive could Bonner and his chaplains have for spreading such a report?" is confidently asked. Hooper wrote a letter to rebut the rumor. He conversed and argued, he says, with the bishop and his chaplains, that he might not be accused of want of learning, or of pride; but that he was more than ever confirmed in the truth which he had preached. He sums up his letter in these solemn words: "I have taught the truth with my tongue, and with my pen, heretofore; and hereafter shortly shall confirm the same, by God's grace, with my blood." Hooper, with his fellow-convict, Rogers, underwent together the ceremony of degradation on the 4th of February. Rogers went to the stake at Smithfield. Hooper was sent to his former episcopal city of Gloucester, where he arrived after a ride of three days. The mayor and aldermen of Gloucester received their once-honored bishop with kindness. They could not forget that he had been the friend of the poor, whom he fad and taught daily in his hall. He was to have been lodged in the common jail; but the men who had guarded him from London entreated that he might remain in a private house, for that he had deported himself so patiently on his way that a child might keep him. On the morning of the 9th he went forth to his execution. It was the market-day, and round the stake, fixed near a great elm-tree in front of the cathedral, many thousand persons were assembled. As he walked through the crowd, leaning upon a staff, he looked cheerfully upon those whom he knew; and as he heard the bitter laments of the people he lifted his eyes up to heaven. A pardon was offered him if he would recant; but he exclaimed, "If you love my soul, take it away." Raising his voice in prayer, the crowd was commanded back. When he was fastened by hoops of iron to the stake, he said the trouble was needless, for God would give him strength to abide the extremity of the fire without bands. His sufferings were of the most lingering nature; but he remained calm and still to the last; and while flames were slowly consuming him, died as quietly as a child in his bed.

Of all the heroes of the Reformation, Rowland Taylor is, to our minds, the most interesting, because the most natural. Of a hearty, bluff English nature, full of kindliness and pleasantry, he is perfectly unconscious of playing a great part in this terrible drama, and goes to his death as gayly as to a marriage-feast. Fuller says that those "who admire the temper of Sir Thomas More jesting with the axe of the executioner, will excuse our Taylor making himself merry with the stake." He has been compared to Socrates in his simplicity and jocularity, his affection for his friends, and his resolution to shrink from no danger rather than compromise the goodness of his cause. The account which Fox has given of Rowland Taylor is held to be only inferior to the eloquence and dignity of the Phædon of Plato. It is difficult to give the spirit of such a narrative without impairing its force; but we may select one or two of its more remarkable points. Taylor had been chaplain to archbishop Cranmer; but having been appointed rector of Hadleigh, in Suffolk, he devoted himself most zealously to the duties of his parish. He was married, and had nine children. Soon after the accession of Mary some zealous papists took forcible possession of his church, and brought a priest to perform mass. Taylor remonstrated, with more wrath than worldly prudence, against what he called popish idolatry; and he was strongly urged to fly; and his faithful servant, John Hull, who rode with him to London, entreated him to shun the impending danger, and declared that he would follow him in all perils. He came before Gardiner, with whom his long conference ended by the overpowering argument, "Carry him to prison." He remained in confinement for about a year and three-quarters, when he was brought before the commissioners and condemned as a heretic. His degradation was performed by Bonner; the usual mode being to put the garments of a Roman Catholic priest on the clerk-convict, and then to strip them off. Taylor refused to put them on, and was forcibly robed by another. "And when he was thoroughly furnished therewith, he set his hands to his sides, and said, 'How say you, my lord, am I not a goodly fool? How say you, my masters, if I were in Cheap should I not have boys enough to laugh at these apish toys?'" The final ceremony was for the bishop to give the heretic a blow on his breast with his crossier-staff. "The bishop's chaplain said, 'My lord, strike him not, for he will sure strike again.' 'Yes, by St. Peter, will I,' quoth Dr. Taylor, 'the cause is Christ's, and I were no good Christian if I would not fight in my Master's quarrel.' So the bishop laid his curse on him, and struck him not." When he went back to his fellow-prisoner, Bradford, he told him the chaplain had said he would strike again; and by my troth," said he, 'rubbing his hands, "I made him believe I would do so indeed." We give the scene as we find it, as an exhibition of character and of manners. What Heber calls "the coarse vigor of his pleasantry" may justly appear to

some as foolish irreverence. But under this rough contempt of an authority which he despised there was in this parish priest a tenderness and love most truly Christian. At two o'clock on a February morning one of the sheriffs of London led Taylor out of his prison, to deliver him to the sheriff of Essex, in Aldgate. "Now when the sheriff and his company came against St. Botolph Church, Elizabeth, his daughter, cried, saying, 'O my dear father! Mother, mother, here is my father led away.' Then cried his wife, 'Rowland, Rowland, where art thou?' for it was a very dark morning, that the one could not see the other. Dr. Taylor answered, 'Dear wife, I am here,' and stayed. The sheriff's men would have led him forth, but the sheriff said, 'Stay a little, masters, I pray you, and let him speak to his wife'; and so they stayed. Then came she to him; and he took his daughter Mary in his arms, and he, his wife, and Elizabeth kneeled down and said the Lord's Prayer: at which sight the sheriff wept apace, and so did divers other of the company. After they had prayed, he rose up and kissed his wife, and shook her by the hand, and said, 'Farewell, my dear wife, be of good comfort, for I am quiet in my conscience. God shall stir up a father for my children.' And then he kissed his daughter Mary, and said, 'God bless thee, and make thee his servant': and kissing Elizabeth, he said, 'God bless thee, I pray you all stand strong and stedfast unto Christ, and his words, and keep you from idolatry.' Then said his wife, 'God be with thee, dear Rowland. I will with God's grace meet thee at Hadleigh.' And so he was led forth to the Woolsack [an inn], and at his coming out, John Hull, before spoken of, stood at the rails with Dr. Taylor's son. When Dr. Taylor saw them, he called them, saying, 'Come hither, my son Thomas'; and John Hull lifted up the child and set him on the horse, before his father. Then lifted he up his eyes towards heaven, and prayed for his son; laid his hand on the chlid's head, and blessed him; and so delivered the child to John Hull, whom he took by the hand and said, 'Farewell, John Hull, the faithfullest servant that ever man had.' And so they rode forth; the sheriff of Essex, with four yeomen of the guard, and the sheriff's men leading him." The narrative of Fox conducts the condemned man by slow steps to his beloved Hadleigh. He is placid and even merry to the last. He jests upon his burly and corpulent frame, and holds that the worms in Hadleigh churchyard will be deceived, for the carcass that should have been theirs will be burned to ashes. He asks to be taken through Hadleigh. The streets are lined with his old parishioners. He could see them, but they could not look upon his face, which had been covered through his journey with a hood, having holes for the eyes and mouth. In Hadleigh there still stand some almshouses, built by William Pykeham, the rector, at the end of the fifteenth century. Taylor, "stopping by the almshouses, cast out of a glove to the inmates of them such money as remained of what charitable persons had given for his support in prison, his benefices being sequestrated; and missing two of them he asked, 'Is the blind man and the blind woman that dwelt there alive?' He was answered, 'Yea, they are there within.' Then threw the glove and all into the window, and so rode forth." When he came to Aldham Common, where he was to suffer, he said, "Thanked be God, I am even at home"; and lighting from his horse he tore the hood from his head. "When the people saw his reverend and ancient face, and long white beard they burst out with weeping tears, and cried, saying, 'God save thee, good Dr. Taylor.' " He would have spoken to them; but a guard thrust a tipstaff into his mouth. As they were piling the fagots a brutal man cast a fagot at him, which wounded him so that the blood ran down his face. "O friend," said he, "I have harm enough; what needed that?" Let us draw a veil over his sufferings, and see only the poor woman who knelt at the stake to join in his prayers, and would not be driven away.

In the persecution of the Protestant divines there was one distinct evidence of their secession from the principles of the Church of Rome, which marked them out as victims. The greater number of them were married. Rogers, when he requested that his wife might be with him after his condemnation, was told that she was not his wife, and Gardiner and Bonner refused him this consolation. As he went to the stake at Smithfield, the faithful woman met him on his way with her ten children. Laurence Saunders was allowed to see his infant, when his wife was denied admittance to him at the Marshalsea. Taking the child in his arms, he exclaimed, "Yea, if there were no other cause for which a man of my estate should lose his life, yet who would not give it, to avouch this child to be legitimate, and his marriage to be lawful and holy!" He wrote to that wife to prepare him a shirt, "which you know whereunto it is consecrated. Let it be sewed down on both sides, and not open." When Hooper was brought before Gardiner, the crafty prelate asked him whether he was married. "Yea, my lord," was the answer; "and will not be unmarried till death unmarry me." Rowland Taylor, kneeling with his wife and daughters on the dark February morning in the porch of St. Botolph, is the crowning example of the holiness of the family affections. Of such men it has been touchingly said that

"during this persecution the married clergy were observed to suffer with most alacrity. They were bearing testimony to the validity and sanctity of their marriage, against the foul and unchristian aspersions of the Romish persecutors. The honor of their wives and children was at stake. The desire of leaving them an unsullied name and a virtuous example combined with the sense of religious duty; and thus the heart derived strength from the very ties which, in other circumstances, might have weakened it."

Gardiner, according to our Protestant historians, "having broken the ice of burning heretics, and taken off the heads and captains," left the work to be carried on by Bonner. On the day on which Taylor and Hooper suffered, six persons were arraigned and condemned before the bishop of London, the lord may or and sheriffs, and members of the council. They were of various callings—a butcher, a barber, a weaver, a gentleman, a priest, and an apprentice to a silk-weaver. On the 10th, being Sunday, Alfonso de Castro, a Spanish friar, the confessor of King Philip, preached before the king; "and in his sermon inveighed against the bishops for burning men, saying that they learned it not in Scripture, to put any to death for conscience, but on the contrary, rather to let them live and be converted." It was the desire of Philip to make himself acceptable to the English; and, probably, at this time, the severe bigotry which led him four years later to be present at an auto-da-fe in Valledolid might have been kept down by kindlier feelings. There was a suspension of these cruel exhibitions for about five weeks after this remarkable sermon. But on the 17th of March, Thomas Tomkins, the weaver, condemned on the 9th of February, was burned at Smithfield; on the 26th, William Hunter, the silk-weaver's apprentice, was burned at Braintree; on the 28th, William Pigot, the butcher, was also burned at Braintree, and Stephen Knight, the barber, at Maldon. John Laurence, the priest, was burned at Colchester on the 29th. Thomas Hawkes, the gentleman, was reserved to suffer at Coggeshall on the 10th of June.

The story of Thomas Hawkes, as told by himself, affords a very fair illustration of the mode in which the lay "heretics" were dealt with in these times, and of the resolution with which they stood up for their opinions. It is held that this young man was "in his conduct and carriage very unlike a humble Christian"; and that "within the rough exterior of the bishop [Bonner] there must have been something more or less resembling that charity which is not easily provoked, nay, even suffereth long, and is kind. . . . It is not that the bishop let a forward young man say his say out, once or even twice, and then dispatched him, but that after such a beginning he had him on his hands for near a twelvemonth." The reason that the bishop had this "forward young man" so long on his hands is left to be inferred. The law by which Bonner could have effectually "dispatched him," did not come into operation till nineteen days before its efficacy was tried on Thomas Hawkes and three other Essex Protestants. He was apprehended because he would not suffer his child to be baptized according to the Romish ceremonials; and was sent to Bonner, to be used according to his discretion. At their very first sentence shdrlu tion. At their very first conference the bishop asked him if he knew Knight and Pigot, the barber and the butcher. He is also asked if he knew one Bagot; and Bagot is called. The man, "not easily provoked," wishes Bagot to give his opinion upon the refusal of Hawkes to have his child christened; upon which Bagot says that Hawkes is old enough to answer for himself. "Ah! sir knave," says the bishop, "are you at that point with me? Go call me the porter. Thou shalt sit in the stocks, and have nothing but bread and water." Having terrified Bagot into saying that baptism, as then practised in the Church, was good, he sent Hawkes to dine at the steward's table. Conversation after conversation occur between the bishop and his prisoner; and the end of their contests is that he who "suffereth long, and is kind," says, "Sir, it is time to begin with you. We will rid you away, and then we shall have one heretic less." On another occasion the candid bishop says, "Ye think we are afraid to put one of you to death: yes, yes, there is a brotherhood of you, but I will break it, I warrant you." Bold enough, insolent enough, if you please, was this young Thomas Hawkes; but his "conduct and carriage" were those arising out of a conscientious resistance to a power which he knew would destroy him. The "conduct and carriage" of the proud man in authority were those which exhibit the impotence of tyranny even in its most sanguinary resolves. Hawkes refused to sign the petition which Bonner had drawn up.

"Then the bishop thrust me on the breast with great anger; and said he would be even with me, and with all such proud knaves in Essex.

"Hawkes. 'Ye shall do no more than God shall give you leave.'

"Bonner. 'This gear shall not be unpunished—trust to it.'

"Hawkes. 'As for your cursings, railings, and blasphemings, I care not for them; for I know the moths and worms shall eat you, as they eat cloth or wool.'

"Bonner. 'I will even with you when time shall come.' "

The time did come; for on the 9th of

February Bonner read the sentence of death upon Thomas Hawkes.

In looking back upon the awful transactions of this time of persecution, let us not form too severe a judgment of the evil deeds of our erring forefathers. It was not a time when the rights of conscience, looking beyond the opinions of the alternately dominant creeds, could be adequately acknowledged by Roman Catholic or Protestant. The broad foundation upon which to establish those rights was undoubtedly laid in the principles of the Reformation. But it has required the struggles of three centuries to make these rights a living rule of charitable action, even in secular legislation. Other disturbing influences were to arise, out of which were to grow many a severe contest between the ruling powers in church and state, and the sacred claims of private judgment. At this worst period in England of triumphant persecution against those who were called heretics, the very heretics themselves were ready to become persecutors. Philpot, "the best-born gentleman" of Fuller, had declared that he would confound any six of his adversaries upon the question of transubstantiation, and if not, he said, "let me be burned before the court gates with as many fagots as be in London." When examined before Bonner, he had told him, in the true spirit of toleration, using the words of St. Ambrose to Valentinian, "Take away the law, and I shall reason with you." There could be no equal reasoning, when the renewed statutes for punishing heretics with death were written over the judgment-seat of the examiner. But Philpot himself was ready to become a persecutor when the case lay between his own opinions and those which Catholic and Protestant had agreed in condemning. Courageous, enthusiastic, in the assertion of his principles, the martyr Philpot had no respect for those who went further than he did in asserting what they held to be truth. He published a vindication of himself for an action which was scarcely compatible with the character even of the "best-born gentleman." He had spat upon an Arian. Does he apologize for an act of passion when his conscience was offended by what he considered the enunciation of a creed which he held was damnable and wicked? He says, with perfect honesty, but in a spirit which may induce us to judge not too harshly of those who asserted their convictions even with cruelty, "Should not the mouth declare the zeal for his Maker, by spittings on him that depraveth his Divine Majesty?. . . I tell thee plain that I am nothing ashamed of that fact, but give God thanks that I bear evil for well doing." He denounces as heretics all "such as break the unity of Christ's church, neither abide in the same, neither submit their judgment to be tried, in the causes which they babble for, by the godly learned pastors thereof." Surely this self-reliance is an apology for those who also relied upon "the unity of Christ's Church," as maintained by their own doctrines and ceremonies. Such was the temper of Calvin, when, in 1546, he thus declares his hatred of what he calls "the delirious fancies" of Servetus: "He takes it upon him to come hither, if it be agreeable to me. But I am unwilling to pledge my word for his safety; for if he shall come, I shall never permit him to depart alive, provided my authority be of any avail." Let us bear in mind how long a time of probation is required before individual fidelity to a strong religious conviction can be united with respect for adverse opinions; how long before love shall prevail over zeal, and the essential agreements of the spiritual life be more regarded than the doctrinal differences. Let us bear this in mind, even when we view the conduct of a Bonner, "whom all generations shall call bloody," according to the judgment of an honest man in his generation; but who it would better become us in our day to pity than to vituperate, if we cannot forbear, as we ought not to forbear, to hate cruelty and oppression in whatever form they present themselves.

The wickedness of the Marian persecution, regarding it with every allowance for the errors of thos engaged in it, can only be exceeded by its folly. If the martyrdoms had been confined to the great leaders and teachers of the Reformation—to those who exulted in its principles, and welcomed suffering and death as the crowning glory of their labors—we may understand how the spirit of revenge might have obliterated the quality of mercy. Bonner said to Hawkes, "We will show such mercy unto you as ye showed unto us; for my benefice or bishopric was taken away from me, so that I had not one penny to live upon." We see the vulgarity and meanness of Bonner's mind in this avowal; and his ferocity is therefore intelligible when he has to deal with Ridley, who supplanted him in his bishopric. So of Gardiner, when he has to influence the fate of his old opponent Cranmer. But that a government, knowing well that the elements of public hatred were surrounding it on every side—that a thousand martyrdoms could not change the secret opinions which had been the growth of nearly two centuries—that a government politically and religiously obnoxious to many, should have chosen to hunt out the heretics from the most obscure recesses, is an example of that judicial blindness which precedes destruction. When we read in the sad history of these times, that the humblest of the people were called into the ecclesiastical courts, and, being re-

quired to make answers t ocertain questions, were condemned if judged heretical, we may ask what possible feeling could have been produced, other than the most intense hatred and disgust, by such sacrifices of artificers and laborers and fishermen — when even the lowly housewife was dragged out of her cottage, upon the information of some spiteful neighbor? Those who would extenuate the practices of these times, as the fashion now is, would do well to study the public acts of the government of Mary, rather than prive that she was kind to her dependents; that she loved her husband; that she was conscientiously pious and charitable; that she had a sincerere nature than her sister Elizabeth. It is as a queen that she must be judged; and as a queen she went further to degrade and enslave England than any sovereign who ever sat upon England's throne. There is such a document in existence as "An Order prescribed by the King and Queen to the Justices of the Peace," dated March 26th, 1555, in which, after enjoining that 'they must lay special weight upon those which be preachers and teachers of heresy, or procurers of secret meetings for that purpose," we have this memorable direction: "They shall procure to have in every parish, or part of the shire, as near as may be, some one or more honest men secretly instructed, to give information of the behavior of the inhabitants amongst or about them." The justices of the peace, in some districts, were ready enough to bring such as "do lean to erroneous and heretical opinions" before the Ordinaries. But, as we learn by a royal letter dated the 24th of May, the bishops either refused to receive such persons, or dealt with them mercifully. Then the pious king and queen wrote to each bishop to admonish him that "when any such offenders shall be by the said justices of the peace brought unto you, ye do use your good wisdom and discretion, in procuring to remove them from their errors, if it may be, or else in proceeding against them, if they shall continue obstinate, according to the order of the laws." Honor be to those justices and bishops in whose districts the old English spirit of honesty and freedom made the attempts to introduce the spy system into every household recoil with hatred and contempt upon their originators. Many dioceses, especially the large ones of Lincoln, York, and Durham, were almost wholly exempt from these disgraces. The merciful and, we may say, politic dispositions of many bishops stood between those who read their English Bibles in secret, and the bigotry that would have dragged them to sign articles against their consciences, or to burn. One more expedient was tried, to remedy the supineness of justices and ordinaries. In 1557 a commission was issued to the bishops of London and Ely, with other ecclesiastics and many laymen, by which any three were empowered to search after all heresies, and the sellers and readers of heretical books; to examine and punish all misbehavior and negligences in church or chapel; to try all priests that did not preach of the sacrament of the altar, and all persons that did not hear mass, or did not go in procession, or did not take holy bread or holy water. They were to call before them what witnesses they pleased, and compel them to swear, so as to discover the heresies and offences thus to be hunted out. "So now," says Burnet, "all was done that could be devised for the extirpation of heresy, except Courts of Inquisition had been set up; to which, whether this was not a previous step to dispose the nation to it, the reader may judge."

We have endeavored, without dwelling too minutely upon the horrors of this frightful time, to lead the reader to understand how that temper was roused in the English nation which produced an abhorrence to the Roman Catholic religion, "to be derived down from father to son" —"an aversion so deeply rooted, and raised upon such grounds, as does, upon every new provocation or jealousy of returning to it, break out in most violent and convulsive symptoms." So wrote Burnet in the time of Charles II. So may we still write, when the "jealousy of returning to it" is excited by indiscretions which proceed from a singular ignorance of the character of the English nation. Let us conclude this painful narrative with a brief view of the final triumphs of the three most eminent of the sufferers.

From the 28th of April, 1554, when Cranmer, Ridley, and Latimer had been condemned as obstinate heretics, they had remained in prison in Oxford. In September, 1555, a court was held under the papal authority at Oxford, for what was called their trial. Ridley and Latimer were brought before the commissioners, the bishops of Lincoln, Gloucester, and Bristol, to answer to certain articles. The next day a solemn session was held at St. Mary's Church — solemn as far as thrones and cloth of tissue could impart solemnity to a proceeding which was a mockery of justice, in refusing to hear the accused. They had only to hear the sentence pronounced, to be degraded, to be burned. The place of their execution is now distinguished by what is called "the Martyrs' Memorial." No monument is necessary to commemorate an event which will be remembered, through the power of a few thrilling words, as long as the English language shall endure. Stripped of his prison dress, the aged Latimer — the bent old man — "stood bolt upright, as comely a father as one might lightly be-

hold." He stands, bolt upright, in his shroud. Ridley and he "stand coupled for a common fight" and he says, "Be of good comfort, Master Ridley, and play the man! We shall this day light such a candle, by God's grace, in England, as shall never be put out."

When Cranmer came before the commissioners he was cited to appear at Rome within eighty days, there to answer the charges against him. This was one of the mockeries of the papal rule in England. There were prison-walls between the archbishop and Rome, and at the end of the time he was declared contumacious. Bonner and Thirlby were appointed to degrade him. Bonner was brutal; Thirlby wept. The courage of Cranmer was never very strong. He had made too many compromises in life not to be tempted into one more compliance with firmer wills, when a hope was offered to him that he might quietly descend into the grave, at the natural expiration of his allotted years. He signed papers of recantation, under these false promises. The hateful betrayers thought by this cruel policy to make the great leader of the Reformation die a cowardly apostate. They were deceived. A better spirit — an inspiration—came over the fallen man, to make his final glory even greater from his temporary abasement. There can be no question of the authenticity of the narrative of his last end, for it was drawn up by a Romanist; and the original document is among the Harleian Manuscripts, headed, "Archbishop Cranmer's death, related by a bystander." On the 21st of March, the morning being rainy, the sermon, which was appointed to be preached a tthe stake, was preached in St. Mary's Church. Cranmer having heard the sermon, in which he was reminded of his wetched estate—"of a counsellor to be a caitiff," knelt down and prayed, the men of the university praying with him; "for they that hated him before now loved him for his conversion." After that he prayed aloud; and then addressed an exhortation, to care not overmuch for the world; to obey the king and queen; to love one another; to be good to the poor. He then declared that he believed in God, in every article of the Catholic faith, and every word and sentence taught by our Saviour, his apostles, and prophets, in the Old and New Testament. The conclusion of his exhortation was a startling one:

"And now I come to the great thing that troubleth my conscience more than any other thing that ever I said or did in my life: and that is, the setting abroad of writings contrary to the truth. Which here now I renounce and refuse, as things written with my hand, contrary to the truth which I thought in my heart, and written for fear of death, and to save my life, if it might be: and that is all such bills which I have written or signed with mine own hand, since my degradation: wherein I have written many things untrue. And forasmuch as my hand offended in writing contrary to my heart, therefore my hand shall first be punished therefore: for if I may come to the fire, it shall be first burned. And as for the pope, I refuse him, as Christ's enemy and antichrist, with all his false doctrine."

"And here being admonished of his recantation and dissembling, he said, 'Alas, my lord, I have been a man that all my life loved plainness, and never dissembled till now against the truth; which I am most sorry for.' He added hereunto, that, for the sacrament, he believed as he had taught in his book against the bishop of Winchester. And here he was suffered to speak no more."

"He so far deceived all men's expectations, that, at the hearing thereat they were much amazed." He was led away, "great numbers exhorting him, while time was, to remember himself." He did remember himself; and thus vindicated his character, for the love and pity of all after-time:

"Coming to the stake with a cheerful countenance and willing mind, he put off his garments with haste, and stood upright in his shirt: and a bachelor of divinity, named Elye, of Brazennose College, labored to convert him to his former recantation, with the two Spanish friars. And when the friars saw his constancy, they said in Latin one to another, Let us go from him; we ought not to be nigh him, for the devil is with him. But the bachelor in divinity was more earnest with him; unto whom he answered, that, as concerning his recantation, he repented it right sore, because he knew it was against the truth; with other words more. Whereby the Lord Williams cried, 'Make short, make short.' Then the bishop took certain of his friends by the hand. But the bachelor of divinity refused to take him by the hand, and blamed all others that so did, and said he was sorry that ever he came in his company. And yet, again, he required him to agree to his former recantation. And the bishop answered, showing his hand, 'This was the hand that wrote it, and therefore shall it suffer first punishment.'

"Fire being now put to him, he stretched out his right hand, and thrust it into the flame, and held it there a good space, before the fire came to any other part of his body; where his hand was seen of every man sensibly burning, crying with a loud voice, 'This hand hath offended.' As soon as the fire got up, he was very soon dead, never stirring or crying all the while."

(TO BE CONTINUED.)

An Able Address Against Conscription

By H. W. JOHNSTON
An ex-Confederate Soldier, of Georgia

MR. CHAIRMAN and Gentlemen: Deeply impressed with the gravity of this occasion, and an earnest desire to preserve the liberties of my people and our common country, I beg to submit, that—

The First Amendment to the Constitution of the United States says:

"Congress shall make no law abridging . . . the right of the people peaceably to assemble and to petition the government for a redress of grievances."

In pursuance of our rights, we who are here assembled, declare:

1st. That we are peaceful and law-abiding citizens of the State of Georgia; that we are loyal and submissive to the laws and institutions of our State, and of the United States, made and established in accordance with the powers delegated by the people as set forth in the Constitution of the United States, and the Constitution of the State of Georgia.

2nd. That we are in nowise antagonistic to but are earnestly in accord with the declaration of war against Germany; and have no intent or purpose to in any way obstruct or oppose the prosecution of the war by every Constitutional means necessary to secure victory, justice and lasting peace.

3rd. That our object and desire is to use every means provided to protect our rights as citizens of this State; and we make this open and direct petition to all whom we have elected and delegated to represent and protect us, that they at once institute measures to secure the persons, rights and immunities reserved and guaranteed to every citizen.

4th. We bear with patience, born of conscious rectitude, all charges and insinuations of "disloyalty" and "treason," and cite in answer the following, written by the Father of the Constitution, the author of "Madison's Report," *in The Federalist*, XLVI. letter, "That the people and the States should, for a sufficient period of time, elect an uninterrupted succession of men ready to betray both; that the traitors should throughout this period uniformly and systematically pursue some fixed plan for the extension of the military establishment; that the governments—of the States—and the people of the States, should silently and patiently behold the gathering storm, and continue to supply the materials, until it should be prepared to burst on their own heads —must appear to every one more like incoherent dreams or misjudged exaggerations, than like the sober apprehensions of genuine patriotism."

We confess our too long patience, silence and confidence; but deny that our misplaced confidence has destroyed our rights. Our fathers bore much, suffered much, to establish our liberties and guarantee them by and with the Constitution.

We protest that, if to claim those rights and liberties, and to appeal to the guarantee, be "treason," it is time to realize that respect for law, devotion to one's country and love of liberty are no longer evidences of genuine patriotism!

5th. We believe every free man is an integral part of the sovereign people; that every citizen is such, in virtue of his being a free man, and one of a community of like men, who inherently have the rights and power to vote, to establish law and order, to establish civil and military process, to sustain this "law and order," which is government. That this citizen is also, and necessarily, a militiaman — an *armed*

citizen — to sustain the civil citizen's rights to "life, liberty, and the pursuit of happiness" whenever military force shall be needful.

We submit that, more than two hundred years ago, Queen Anne wrote, "by her own hand," to the Emperor of Russia, that the power to deport a citizen-subject, though a criminal, was "paramount to any authority vested in the crown of Great Britain," and "contrary to the Constitution and the laws." This was saying a citizen could not be *deported;* though a criminal, and though a *treaty* requiring it was *then in effect.*

Sir William Blackstone asserted the same principle.

We do not believe such power exists in the Congress.

We believe and assert, that the militia of the States are its armed citizens, specifically "reserved" to protect the rights and privileges of *citizenship*, which *rest in the States, only;* and that to "discharge" the militia from their inherent duty and allegiance is to destroy the citizenship of the "several States."

6th. We deny the power of Congress, our accredited servants, to "authorize" the discharge of our militia, our armed citizens, from their sovereign dignity, from their allegiance to our State, under any pretext, or for any purpose. We declare these rights are inherent and existed antecedent to the Constitution.

We submit that to subscribe to such a doctrine, or to be silent as to it, would be to supinely acknowledge that Congress, the people's creature, may at their pleasure reduce us, their creator and master, to "involuntary servitude," and final abject slavry.

We declare the equal of these despotic assumptions are not to be found in the charges against George III., as enunciated by the Declaration of Independence. The power to "discharge" one citizen may remove every citizen of every State.

7th. We believe and declare that the excuse pleaded for conscription, viz., that the volunteer system has been proven a failure, is contradicted by true history; is a child of centralism, and a plea for military autocracy.

We submit that England is the only country in Europe that has not been repeatedly subjugated in the last eight hundred years; and that since feudal times England's soldiers have been volunteers. That since five hundred years England has been defeated but twice—in the Revolution and the War of 1812—in which American volunteers defeated England!

We cite the fact that, without one single conscript on the fighting line, British volunteers, Canadians, Australians, are constantly defeating the very best German iron-clad conscripts, and proving the superiority of volunteers!

We assert that no English-speaking people have ever been subjugated! No English-speaking people have ever served in foreign countries since feudal times, except as volunteers!

We assert that, this being true, volunteers are not a failure. If it be not true, it can be refuted.

We declare that, until the refutation of these facts is accomplished, the excuse for conscription should be relegated to the now populous region of myths, as unworthy of consideration.

8th. We complain and protest, with all the earnestness born of conviction, that our most sacred rights and privileges as reserved and secured by the Constitution are being violated, subverted and destroyed by the unlawful, grievous and oppressive provisions of the laws enacted, known as the Dick Bill, and the Conscription Acts, being enforced by Congress, by which private free citizens of the States are being deprived by force of personal liberty, free speech, the privilege of a free press, and reduced to involuntary servitude by the usurping servants of the people, who assume powers never delegated, but were specifically retained by the people of the States, respectively.

We solemnly protest against the indefensible, untenable, undemocratic dogma that "war suspends our Constitution," or is a reason to evade its provisions, or is an excuse for enslaving

our free citizens, as a "preparedness" means for enslaving foreign hordes.

To submit to such a doctrine is to make of our Constitution a political, mercenary and military convenience.

9th. We believe and declare that to touch, by force, the militia of the States (except as specifically provided and limited by the Constitution, to which the people voluntarily assented), is to destroy the principle of sovereign personal liberty (which in the aggregate is the sovereign, inherent power of the people), which existed antecedent to the Constitutional compact, was not alienated by that instrument, and remains in the people.

We repeat and indorse Daniel Webster's warning to Congress in 1813, "You have no Constitutional authority to conscript American citizens into an army!" We also assert, as did John C. Calhoun in 1833 and 1837, that to each State is reserved "Its own officers of their militia."

We recall further, that seven hundred years ago, Magna Charta guaranteed that "No free man shall be dis-seized of his liberty, or his free custom, or exiled, banished, nor otherwise destroyed"; and that this has been confirmed more than thirty times since.

10th. We believe the Executive has no power over the militia beyond that established and limited by the Constitution, which is embraced in the few words, "When called into the actual service of the United States," which were proposed as an amendment and twice adopted by the Convention, 1787, to definitely limit his power.

11th. We believe and declare it to be our first and urgent duty to preserve the rights and liberties we possess. Hence we protest earnestly against their violation, under any pretext; and petition with confidence to those whom we have placed in power—His Excellency, H. M. Dorsey, Governor of Georgia; our Senators and Representatives in Congress, our Legislature of Georgia, our courts of judicature—for relief, redress and protection against the onerous, grievous and oppressive exactions, oppressions and processes with which we are being threatened.

In support of the rights we claim and the relief and redress we petition for, we submit the following:

Congress shall have power

Sec. 8, Art. I. "To provide for organizing the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress."

Sec. 8, Art. I. "To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions."

That embraces all the power delegated to Congress, over the militia.

As these two paragraphs must govern, we will examine their history, which is peculiarly significant and decidedly pertinent, *now*.

In the Convention we shall follow (1787), sat two future Presidents—Washington and Madison; two Chief Justices of the Supreme Court, Jay and Ellsworth; one Vice-President, and numerous Governors, Senators, Ambassadors, and Cabinet Secretaries. The Commander-in-Chief during the Revolution was President of the Convention. These men knew exactly what they did.

In the draft of the Constitution which the committee submitted to the Convention, August 6th, 1787, the only power given to Congress over the militia was in these words:

"To call forth the aid of the militia in order to execute the laws of the Union, *enforce treaties*, suppress insurrections, and repel invasions."

On August 18th, two motions to change this were made: one giving the appointment of the officers to the States, the other, reserving no power to the States, except by implication.

These two motions were referred to a committee of eleven, one from each State. On August 21st, this committee reported the first paragraph exactly as it is in the Constitution. On the 22d a motion was made to strike out the last clause, i. e., "and the authority of training the militia," etc.

It did not pass: it went over and, on

August 23rd, a second motion was made only to arm part of the militia when called into the service of the United States. This was voted down, eight States to three.

Then a third motion was offered, to arm and train, making no mention of States' power. This was voted down, ten States to one.

A fourth motion was made, to recommit it to the committee. This was defeated, ten States to one.

The first part of the paragraph was then taken up (giving the power to Congress, *as it is*). This was adopted, nine States to two.

A motion was then made, "reserving to the States, respectively, the appointment of the officers *under the rank of General.*" This was defeated, nine States to two.

It was then moved to adopt the clause, "reserving to the States, respectively, the appointment of the officers." This was adopted, *as it is*, nine States to two.

Then the first motion was taken up to strike out the last clause ("and the authority of training the militia," etc.). The motion was voted down, and the last clause adopted as reported (as it is), seven States to four.

On August 29th, the whole paragraph, as it now is, was adopted without opposition. On September 15th, the whole was adopted unanimously.

We believe that record fixes the intent of the Convention to restrict the power of Congress to the *exact limits prescribed*, for seven attempts to give more power to Congress failed.

The second paragraph, as quoted from the Constitution, also has a history. On August 6th, it was reported to the Convention in these words:

"To call forth the aid of the militia in order to execute the laws of the Union, *enforce treaties*, suppress insurrections and repel invasions."

On August 23rd, it was moved to alter this paragraph so as to read as follows:

"To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions."

It was so adopted, without opposition, and stands.

Two changes were made of enormous importance. As the words, "to enforce treaties," might be construed as power to use the militia in foreign countries, it was stricken out entirely. As to "call forth" gave Congress power to call the militia *direct*, regardless of the States, it was changed to "To provide for calling forth" the militia, through the States, as officered and trained by the States; and only for the three particular purposes stated.

Congress cannot create more power.

As to the power of the Executive over the "militia of the States, we submit that the power now assumed was stricken specifically from the original draft, reported by the special committee to the Convention on August 6th, 1787, in these words:

"He shall be commonder-in-chief of the Army and Navy of the United States, and of the militia of the several States."

On August 27th, it was moved to add the clause, "when called into the actual service of the United States."

This was adopted without opposition; and, on the last day of the Convention's work — Saturday, September 16th—the same words were again proposed and again adopted, without opposition, though already embodied in the Constitution, evidencing the purpose and intent of the Convention to limit the power of the Executive as fixed in this paragraph as the only power given him over the militia of the States.

Congress has no power to change this.

Certain explanations, definitions and decisions are of unquestioned authenticity and force. We herewith submit a few of the many which confirm and sustain our convictions.

In explaining and defining the powers given to Congress over the militia in the Virginia Convention in 1788, James Madison said (in reply to Patrick Henry):

"The honorable gentleman sees great

danger in the provision concerning the militia; the authority of training the militia and appointing the officers is reserved to the States. Congress ought to have the power of establishing an uniform discipline throughout the States, and to provide for the execution of the laws, suppress insurrections and repel invasions; these are the only cases wherein they can interfere with the militia of the States."

Mr. Madison repeatedly made equally definite statements on this issue in his debates and his writings in *The Federalist.*

As President and Commander-in-Chief, James Madison had the following issued, in General Orders, by his Adjutant-General, March 19th, 1813, during war. We quote:

"All militia in the service of the United States *must be* under the requisition of some officer (regularly authorized) on the executive of the State.

"In these requisitions shall be expressed the number of privates, non-commissioned and commissioned officers required.

"As soon as one hundred privates, eight non-commissioned officers, and five commissioned officers shall have been organized as a company, they will be mustered, inspected, and received into the service of the United States.

(Signed) "T. H. Cushing,
"*Adjutant-General.*"

That is the *Constitutional* way the militia are organized and *received into the actual service*, as directed by the "Father of the Constitution."

We believe the power to appoint officers was reserved by the States to prevent the centralizing of power in the United States; and that this power, now assumed by Congress, is being used to that end. Hence, we protest that it will inevitably destroy the security of our liberties if enforced, as now proposed, in the onerous laws cited.

In the Virginia Convention, 1788, Edmund Randolph said:

"They—the militia—are only to be called out in three cases, and only to be governed by the authority of Congress when in the actual service of the United States; so that their articles of war can no longer operate upon them, than when in the actual service of the Union. The officers are to be appointed by the States."

In this same Convention the future Chief Justice, John Marshall, said:

"The power of governing the militia was not vested in the States by implication, because, being possessed of it antecedent to the adoption of the Government, and not being divested of it by any grant or restriction in the Constitution, they must necessarily be as fully possessed of it as ever they had been; and it could not be said that the States derived any powers from that system — government — but retained them.

"For continental purposes, Congress may call forth the militia, as to suppress insurrections and repel invasions. But the power given to the States by the people is not taken away; for the Constitution does not say so."

Of these same powers, Alexander Hamilton wrote:

"What reasonable cause of apprehension can be inferred from a power in the Union to prescribe regulations for the militia, while the *particular States* are to have the *sole and exclusive appointment of the officers?*

"The circumstance of the officers being in the appointment of the States will *always* secure to them a preponderating influence over the militia."

(The italics are Mr. Hamilton's.)

We feel that we could rest our complaint and petition on what we have adduced, but will submit two decisions which we believe to fully sustain our convictions.

In March, 1863, the United States enacted a Conscript law (much milder than this Act of 1917). The Supreme Court of Pennsylvania pronounced that Conscript law to be "unconstitutional and void."

From this decision we submit a few excerpts. It says:

"The Constitution of the United States recognizes only two sorts of mili-

tary land forces, viz.: the militia and the Regular or Standing Army.

"The Constitution authorizes levies of the militia of the States, in its organized form, in cases of rebellion and invasion; but in no other case, or mode, than is therein prescribed.

"It (the Conscript law) is incompatible with the provisions of the Constitution relative to the militia.

"The mode of coercion provided for this purpose, by the Act, is unconstitutional, because—

"It provides for a thorough fusion of the army and the militia—two forces which are kept distinct by the Constitution—by investing the President with power to assign the soldiers, obtained by the draft, to any corps, regiment or branch of service, at his pleasure.

"It submits the citizen to the Rules and Articles of War before he is in 'actual service,' and proposes to effect this purpose by merely drawing his name from a wheel and serving notice of that fact upon him.

"The great vice of the Conscript law is, that it is *founded on an assumption* that the Congress may take away, not the State rights of the citizen, but the *security* and foundation of his State rights. And how long is civil liberty expected to last, after the securities of civil liberty are destroyed?

"It is not founded on that clause of the Constitution which provides for 'calling forth' the militia, because the persons drafted under the Act are not to be armed, organized and disciplined under the militia law; nor are they 'called forth' *under State officers*, as *required by the Constitution.*

"It exhausts the militia force of the several States, which existed as an institution before the formation of the Federal Government; and was not only not granted away, but expressly reserved at the formation of the Constitution.

"The Constitution of the United States committed the liberties of the citizen in part to the United States Government; but expressly reserved to the States and the people of the States all it did not delegate. It gave the general Government a standing army, but left the States their militia. Its purposes in all this balancing of powers was wise and good; but this legislation disregards these distinctions and upturns the whole system of government when it converts the State militia into 'national forces,' and claims to use and govern them as such."

This decision was rendered by Justice G. W. Woodward, of the Pennsylvania Supreme Court, and is available in full in any legal library.

We submit that, although the following excerpts are from a decision in an habeas corpus case, the facts in the case put the question of the military powers of the President before the Court, and it distinctly decided and defined the powers and limitations as to the President; and also fixes the power to appoint the officers, with the reasons therefor. We quote:

"Before the Chief Justice of the Supreme Court of the United States, at Chambers. Ex parte John Merryman.

"He (the President) is elected, as I have already said, for the brief term of four years, and is made personally responsible, by impeachment, for malfeasance in office. He is from necessity and the nature of his duties the Commander-in-Chief of the Army and Navy, and of the militia, when called into actual service. But no appropriation for the support of the Army can be made by Congress for a longer term than two years, so that it is in the power of the succeeding House of Representatives to withhold the appropriation for its support, and thus disband it, if in their judgment the President used or designed to use it for improper purposes.

"And although the militia, when in the actual service, are under his command, yet the appointment of the officers is reserved to the States as a security against the use of the military power for purposes dangerous to the liberties of the people or the rights of the States.

"And the only power, therefore,

which the President possesses, where the 'life, liberty or property' of a private citizen is concerned, is the power and duty prescribed in the third section of the second article, which requires 'that he shall take care that the laws be faithfully executed.'

(Signed) R. B. TANEY,
"*Chief Justice of the Supreme Court of the United States.*"

Barbarism

Ralph M. Thomson

Despite the disposition of the age,
To look in horror on those wretched days
When prince and pauper, and when fool and sage,
Were punished in demonical ways,—

Anointed Love—whose dim confessional
The worn of heart approach with hopeful breath—
Still tempts his victims to unbosom all,
And tortures those whom he would put to death.

Female Convents.

By Mr. de Potter.

CHAPTER IX.

Formation of new Parishes.—Results of this measure in regard to the inhabitants of La Montagna.—Letter of the Grand Duke.—Ecclesiastical Synods.—Riots at Prato.—Retirement of Ricci.—Letters.

After Leopold had succeeded in removing some useless or hurtful members of the clergy, he wished to augment the number of those whose labors, he thought, would instruct the people. For this purpose, he created new parishes wherever it was probable that the presence of the curate would improve civilization. The suppressions which he made had been blamed by his ministers as irreligious; his additions were blamed as impolitic. "The *people*," said they, "*are the better for being ignorant of matters of religion—a bishop or priest, who should be appointed to bless a nation from the top of a tower is equal to all their wants.*"

The inhabitants of La Montagna were deeply in want of curates, who should not only act the part of faithful pastors, but also that of heads of families, when the men were gone to work at the *Maremma*. This Ricci signified to Leopold, his plan was approved, and immediately acted upon.

On this occasion, Ricci relates an adventure he met with in the course of this diocesan visit, undertakken in order to gain information for the Grand Duke. Some of his enemies had caused to be dug in the stony and narrow roads of La Montagna a deep pit, which was covered with leaves, into which it was hoped Ricci and his horse would fall and perish there. The curate of the place had discovered this, by means of confession, and hastened to inform the prelate's secretary, who communicated the fact to the magistrate. The latter removed the danger, and Ricci, finding the road in good condition, suspected nothing; nor was he informed of this attempt on his life, till several months afterwards.

How necessary it was to have priests residing at La Montagna, may be guessed from the fact, that the roads are so bad in winter, that twenty-three families, forming a whole village, lived six months of the year without priests or sacraments, until it was changed into a curacy. The priest of the next parish had, till then, been accustomed to officiate till the month of September, and then to bid them adieu till the next Spring.

Ricci's plan, and his zealous execution of it, pleased the Duke so much, that he invited the Bishop to dinner at his villa, with his sister the Queen of Naples, and King Ferdinand, then in Tuscany, to whom he related all the good that Ricci had done in his diocess, particularly in the Mountain of Pistoia: to which Ferdinand listened with attention and interest, and expressed a wish to introduce similar improvements into his own States.

The visit of these royal persons, and Leopold's ill health, seemed to give the ministry a good opportunity of destroying Ricci's plans

relative to La Mantagna; but their attempts to prejudice Leopold against him were vain. The ministers were provoked to find Ricci's plans succeeded so easily, after they had pronounced them impracticable; and the other Tuscan bishops were puzzled how to proceed. They ventured not to follow the example of Ricci, lest they should make enemies of Rome and the monks; and they hated him the more, because he was so disinterested as to provoke perpetual comparisons with them, greatly to their disadvantage.

Ricci was indignant at the Tuscan bishops for their meanness in compelling the priests, at whose houses they lived while visiting their diocesses, to entertain them magnificently, and to make presents to their secretaries, &c., to their own ruin. He proved to the Grand Duke, who was displeased already at this splendor, which by rendering the prelates inaccessible, made their pastoral visits useless—that these visits ought to be held at the expense of the prelates themselves, and that, made as they ought to be, they ought not to exceed one hundred crowns a year—a sum which every bishop was in a condition to pay.

Ricci's principal aim was uniformly the reformation of his own diocess; and having remarked that the religious ceremonies performed during the night, gave rise to numerous disorders, he forbade them, under severe penalties, during the entire week preceding Christmas.

In the year 1786, the Grand Duke, satisfied with Ricci's examination of Mancini's letter, submitted to him a circular, which he intended to address to all the Tuscan bishops, proposing to them several questions on ecclesiastical points, requesting them to reflect maturely on them before sending him their answers. Ricci altered and retrenched it as he thought best; but his corrections arrived too late, and the greater part of them could not be adopted. At the assembly of the Tuscan bishops at Florence, nevertheless, it was publicly said that Ricci was the author of the *Points*, in order that they might be the more odious to the clergy. The Grand Duke granted six months' delay for answering these questions, declaring it to be his intention to submit them to the national council, and to obtain a perfect unity in doctrinal matters.

The Court of Rome, at this time, absolutelyy dictated the answers which the bishops were to make to their Government. It had always done so, as Ricci had proved to Leopold, urging the obedience which the bishops owed to the Pope, and to none else.

The reforms which Ricci wished to introduce into the church, were constantly opposed by the ministry, in spite of the support of Leopold, whose weakness was as remarkable as his benevolence. The bishops and the Court of Rome lent their powerful aid to his enemies, and his plans relative to education were perpetually frustrated by the monks. "Slander and calumny," says he, "the usual arms of Rome, were put in action to overwhelm me." He was accused of having turned to his own profit the property of the suppressed convents—of having destroyed relic-worship—of having profaned images—of having falsified prayers, &c. Pretended priests of his diocess were sent to Rome to beg advice against the dangerous errors of their Bishops, &c. One of the canons of Pistoia wrote a defence of all the pretensions of the Church of Rome. But though these things were known to Leopold, he only punished the secondary actors in them, and never the principal. Rome had now begun the

war which she meant to carry on against Ricci and his synod—the convocation of which she dreaded above all things.

The Synod assembled in September, 1786. The celebrated Professor Tamburini, of Pavia, and Palmieri, who were to arrange the subjects of discussion, with several others distinguished for their talents, were present. Ricci endeavored to give his council all the solemnity possible, and the utmost conformity with the most celebrated synods. The clergy of Pistoia had already agreed on the points to be discussed, and were prepared to pass into a law what was already believed and professed. The council was held in the Church of Leopold, and consisted of 234 members. Ricci had not acquainted the Pope with any thing relative to his diocesan synod; but, as he had signified his intention of holding one, it would certainly have been much more honorable in Pius VI. to have *then* declared his displeasure, than to undermine him, and after the death of his protector, Leopold, to persecute him violently.

The council opened with the recitation of Pius the Fourth's Confession of Faith. Some of the members refused to sign the opinions of the council on grace, predestination, &c.; and at the head of the opposition was a canon, an emissary of the Court of Rome. The matter most debated was that of the civil contract of marriage, which it was necessary to distinguish from the sacrament and the nuptial benediction; and the Duke was applied to for his decision on it as a civil act.

Leopold was delighted with the labors of his council. He encouraged the members by his letters; and having learned that Rome was making efforts and intrigues to disturb the assembly, and sow discord among its members, he took the necessary measures of precaution against them. The nobility of Pistoia, however, were opposed to the council, which was denounced at Rome as a conspiracy, and Ricci was defamed in numberless libels.

About this time arrived the answers to the fifty-seven questions which had been propounded by the Grand Duke to the Tuscan bishops. They were sufficiently contradictory, but they showed a wish to satisfy the Prince. Leopold was deceived by their apparent readiness; and wishing to carry the same perfect unanimity of sentiment into the details, as he thought he saw in the principal views, he determined on convoking a general council at Florence, which he believed was to put an end to the intrigues of Rome. Ricci endeavored to persuade the Duke that this meeting would have fatal consequences, especially if it took place in the capital.

The enemies of Ricci had already obtained the suppression of the acts of his synod until after the close of that of Florence. Having succeeded in this, they whispered that the publication of them had been forbidden by the Government, and the Grand Duke himself. The Bishop of Pistoia, hearing of this, urged Leopold to change his resolution, and to allow the acts of the assembly to appear, as his best protection against the intrigues of Rome and the calumnies of its creatures.

Leopold objected to this, that it was reported that the acts themselves were to be severely examined in an assembly of Cardinals; therefore, fearing their publication would only serve as a pretext for farther opposition, he contented himself with writing a letter to Ricci, expressive of his entire satisfaction, and his approbation of his synod.

The council of Florence was convoked, by order of the Grand

Duke, in April, 1787. From the very beginning of its sittings, the bishope imposed silence on the Duke's theologians, by saying, *Nos magistri, vos discipuli*: "*We are the masters, ye are but the scholars.*" They engaged the assistance of the advocate Lampredi, a man of talents and eloquence; and believing themselves wholly assembled for the purpose of deciding on the fate of Ricci, his synod, and his reforms, they soon changed the council into a mere conspiracy against the latter, and all innovation whatever.

All this opposition did not discourage Ricci. His enemies had, therefore, but one expedient left; this was to excite the people to a riot, and, by intimidating the Grand Duke, remove Ricci's principal support.

At Pistoia it soon became known that the great body of the bishops were decidedly opposed to the reforms of Ricci. Several curates petitioned the Secretary to the Crown, and their metropolitan, the Archbishop of Florence, to abolish the innovations made at Pistoia and Prato, and to restore every thing on its former footing. The Archbishop Martini, and the Secretary of the same name, were the principal movers in this plot; but as the Grand Duke opposed these plans, they found that a revolt would be the only method likely to produce the destruction of reform in Tuscany.

At that time the question of the worship of images, &c. was in agitation at Florence. Ricci was said, by his enemies, to entertain erroneous ideas on that head; and it was whispered that he intended to pull down the altar where the Girdle of the Virgin was preserved, and to attempt other innovations equally dreaded by the people.

It had been intimated to the Grand Duke that his support of Ricci and his reforms might have fatal political consequences; but he refused to yield, and the riots were resolved upon. On the 20th of May, the tumult of Prato took place. In the evening, the mob, armed with sticks and hatchets, proceeded to the principal church to prevent the demolition of the Altar of the Girdle. They mounted the tower, rang the alarm-bell for several hours, tore down the Bishop's chair and arms, and burnt them in the market place, with several books which they found. The church was illuminated during the night, by order of the rioters, and the Holy Girdle was exposed to the reverence of the devout.

From the church they proceeded to the spot where the images were placed, which had been removed from the suppressed monasteries, and carried them in procession to the cathedral, holding in one hand a torch, and in the other a bottle of wine. They paid the same honors to the saints whose worship Ricci had abolished, and tore from the missal the masses for those whose worship he had introduced, which they burnt, together with the books he had distributed among his clergy. They pulled down the new baptisteries —threatened the heads of the seminary and the curates who were known to favor Ricci—made the priests get out of their beds and accompany them in their shirts to the different churches, to replace before the images the little curtains which Ricci had removed. The churches were soon all lighted up like the cathedral, and each went to pray or sing in them, as he pleased.

The next morning all the peasants of the neighborhood arrived in the town, and ran from church to church, to pay their devotions to the images of the suppressed saints, and the images which, now that they were covered with a veil, had become, in their eyes, far

more respectable. Pistoia would soon have followed the example of Prato, had not Leopold sent a detachment of soldiers from Florence, who soon restored order. The gates of Prato were closed, the streets barricaded, the houses and shops shut, and a number of persons were arrested and sent to the capital. The Grand Duke gave orders that every thing should be restored to the footing on which it was before the revolt.

On hearing this distressing news, Ricci was deeply grieved. Nevertheless, he went to the assembly of the bishops, where though he was warmly received by the few partisans and friends he had, he was greeted only with insulting murmurs by the bishops, his adversaries, who did not even speak to him.

Prato had now returned to a sense of its evil conduct. The town and the clergy sent a deputation to Leopold, who received them with kindness, stating, that he knew the root of the evil existed in Florence itself, though the revolt had been fomented by evil-designing priests at Prato; that this formed only a part of a general rising, which had failed in consequence of their declaring themselves too soon; and that Rome was mainly interested in the affair, and was in the confidence of the conspirators.

But it was only in consequence of the reiterated requests of Ricci that the Grand Duke consented to forgive his undutiful subjects. The Bishop not only obtained the liberation of the chief actors in the revolt, but at his own expense supported the families of those of the poorer classes who were imprisoned. He then seriously resolved to abdicate; and in a long letter which he wrote to the Grand Duke, after defending himself against the misrepresentations of which his conduct had been made the subject, and begging the Prince to pardon the insurgents, and to publish the acts of his synod, he tendered his resignation. To this he received a very affectionate answer the same day, sympathizing with him, and granting pardon to the revolters, but refusing to accept his resignation, as being a step likely to produce consequences quite different from those contemplated by Ricci.

Leopold next resolved upon dismissing the assembly. In June, 1787, he convoked the bishops, and told them in a severe tone how much he was displeased at their conduct; exhorted them to show an example of submission, instead of revolt, to their flocks; and warned them, that if they did not choose to reform abuses, he would use his right of doing it himself.

The fifty-seven articles had been discussed, but the latter ones in great haste, on account of pressing circumstances. The Grand Duke submitted them to Ricci, who refuted all the memorials which the bishops had contrived to insert in the acts. Leopold caused the whole to be printed in spite of the wish of Ricci, that for the sake of the honor of the Tuscan bishops, they should not be made public.

The Grand Duke, irritated by the opposition of the clergy to his reforms, determined to wait no longer, and to begin them himself. Ricci, at his desire, furnished the plan; but they were not proceeded in, on account of the revolutions which then began to agitate Europe.

Several interesting letters are found in Ricci's memoirs, illustrative of the state of the Continent at that period.

July, 1787, the Abbe de Bellegarde wrote from Paris to Ricci:

"The public newspapers will have informed you of the seditious movements in the Austrian Low Countries. The principal insti-

gators of them are, without doubt, the ex-jesuits, and the financial partisans of the Court of Rome. For many years they have been preparing the way for them by their discourses, their intrigues, and above all, by their alarm-cries, and the seditious writings with which they have inundated, and still continue to inundate the country. They endeavored to persuade the public, that the Emperor's object was to overturn religion and the constitution of the state; and unfortunately the changes in the affairs of government have served as a pretext to this latter calumny."

In November, he announced the flight of the Austrians, and the report of the taking of Brussels by the insurgents. "If this last intelligence be true, the rebels are now masters of the country. . . . . In the mean time, till they are dispossessed of it, Jesuitism and curialism will triumph there; for it is in their favor that this revolution is chiefly made. It is evidently a religious war, the principal pretext of which is all that the sovereign has done to deliver the country from it; this is what the fanatics call wishing to destroy religion."

M. l'Abbe Y. at that time entrusted with an important mission at Rome, wrote to the Bishop of Pistoia, October, 1790:

"You will probably have learnt the late events in Brabant. Scapularies and Capuchins' cords form part of the booty made by conquerors, the Imperialists. I figure to myself the fine exploits of the bearded gentry; and this idea alone would excite my laughter, did not humanity and religion make me weep for the effusion of the blood of so many unfortunates, so strangely seduced and led to the slaughter by these villians of furious Papists—*Papalini*. Shall I tell you a very singular circumstance? The same Abbe de Tongerloo, who had promised invulnerability to the Flemish crusaders, had been, previously to this period, abbe of the church of Norbert des Brabancons at Rome, and at this moment still keeps up a regular correspondence with people of the same stamp."

CHAPTER X.

Ricci's Apology and Retirement.

The priests of Ricci's own diocese sent petitions to Florence, entreating the abolition of the reforms introduced into Pistoia and Prato. Secretary Martini was the instigator of these attempts, as Ricci proved to Leopold, who threatened Martini with the loss of his place in case of their continuance. The Court of Rome had its emissaries at all the Catholic courts, endeavoring to excite a revolt of the people against their princes in its favor; and the revolt of Prato was evidently a part of this vast plan. The people of Pistoia first petitioned for the restoration of the ancient order of things; from supplications they proceeded to acts, and insisted upon having the ceremonies of the Church performed according to their pleasure.

In October, 1787, Ricci published his eloquent "Apology." The Court of Rome was more irritated than ever at the success of this piece; and its emissaries, by their continued charges of heresy and innovation against Ricci, even succeeded for a moment in leading Leopold to doubt him, though these doubts were soon effaced. Ricci had the courage to return to Prato, in spite of being menaced with

assassination; and his mildness had the effect of restoring a momentary calm in that city.

The publication of the Acts of the Assembly of Florence and of the Synod of Pistoia, produced a great effect throughout Catholic Europe; and Ricci received from all parts the most flattering letters and sincere compliments relative to the Council of Pistoia. Amongst other acts of adherence to this council, Ricci received that of the Jansenist Archbishop of Utrecht, of the bishops his suffrages, and of all his metropolitan chapter,—an act which was officially transmitted to him by the Abbe de Bellegrade, accompanied by a letter dated Utrecht, November, 1789.

A letter, equally remarkable, upon the same subject, is that of Le Bret, professor at Tubingen, written August, 1789.

After having given Ricci every possible assurance of esteem and veneration, and testified the sincere interest he took in the persecutions to which that prelate had been exposed, the professor says that he has annexed to his letter, an academical dissertation composed by his pupils, relative to the affairs of the diocess of Pistoia, "in order to convince the Bishop of the lively interest with which Protestants themselves are inspired by the unworthy treatment to which malice had subjected him."

The Abbe wrote from Rome, December, 1790:

"The Spanish envoy, of the order of Augustin, having been questioned respecting the synod, whether he found heresies in it, and what was thought of it in Spain, candidly answered, that the Collection of its Acts was a holy book, and that in Spain it displeased none but the monks; that the ministers considered it excellent, and that, in spite of monkish intrigues, the reprint of it in the Spanish language has been allowed; but that, notwithstanding all this, the book will be prohibited at Rome, because the Pope listens to none but the Molinists."

Leopold suppressed the residence of the Nuncio at his Court; ordered that the monks, &c., of his states should be subject only to their bishops; banished foreign monks from Tuscany; recalled the absentee ecclesiastics; and removed from Rome his minister Fei, who had been completely gained over by that Court. Rome was astonished at these proofs of firmness; but, not daring to attempt anything against him, directed all its endeavors to the destruction of Ricci.

With this view, a congregation of Cardinals was called, for the examination of the Synod of Pistoia. Nothing reprehensible was found in its acts: and a second, more severe, was assembled. This congregation found some unimportant scruples only, relating to the meaning of terms, which they were ashamed to allege as complaints against it to the Tuscan Government. A third congregation was convoked; but though the Pope had promised to communicate the opinions of the assembly privately to Leopold, before taking any public steps, this was never done, and the congregation continued to sit, merely for the purpose of spreading a belief that there was something reprehensible in Ricci's synod, and of keeping the Bishop and his friends in perpetual fear of his arrest.

Ricci continued to be calumniated; and the intrigues of the Archbishop of Florence, his enemy, succeeded in obtaining his abandonment by the priests of his own diocess, and their recantation of the decisions of the synod, which they had themselves signed. The people began to be persuaded that the sacraments administered

by Ricci and his partisans were null: and most of his diocesans sent their children to Florence to be baptized or confirmed. Ricci could not help making complaints of the way in which he was persecuted; so that he passed for a turbulent and violent person.

In the pontifical states, and still more at Rome, the old examples of clerical immorality were renewed.

"I do not recollect whether I have already told you of the bad conduct of the Bishop of Foligno, who is publicly accused of being a sharper and unclean! He is a *worthy* protege of Cardinal Buoncompagni."

Cardinal Busca, at that time one of the chief and favored lovers of the Princess Santa Croce, former mistress of the French Ambassador, Cardinal de Bernis, dined at that lady's, in company with Pierre Paul de Medicis, son of Alverardo de Medicis, of Florence.

"The partiality of that old Polixena for the charming young man, excited the jealousy of the overgrown Cardinal, who gave way to the most indecent excesses. He abused his own footman at the table, for pouring out wine for Medici, saying, 'Are you also in the plot for *cornuting* me?' Shortly after this, he threw a glass of wine in Medici's face, who immediately started up with a menacing air, brandishing a plate in his hand: he, however, repressed his rage, and spoke with much prudence. The Roman Helen interposed, as the Sabines did after their ravishment."

Public opinion, a circumstance worthy of reflection, which since the long occupation of the states of his Holiness by the French, was much more severe at Rome than formerly, had forced a young prelate to leave that city, to whom a husband had made over his wife *by contract.*

Shortly afterwards, the prelate who was governor of Rome, was obliged to fly in order to escape the punishment due to his dilapidations, the forgeries he had committed to a considerable amount, and his unbridled libertinism, backed by every species of violence.

A third prelate, the relation of one Cardinal, and confidential agent in the affairs of another, was taken by some gendarmes, at the moment he was about to commit the most detestable of vices, under the colonnade of a palace.

The method now resorted to for the purpose of diminishing these disorders, is the same which was employed thirty years ago, with such little success.

Under these circumstances, Ricci lost all the little authority which he formerly possessed in his diocess. The people abolished all his reforms, and restored the ancient splendor of the worship; while the ministers of the Grand Duke endeavored to remove from Ricci his only partisans, the curates of his diocess, by depriving them of their salaries.

In February, 1790, the news of Joseph's death arrived. The certainty of the departure of Leopold awakened, on all hands, the spirit of revolt: and the populace, in a state of sedition, clamored loudly against their Bishop. The canons, whose pretensions he had diminished, exclaimed against the illegality of his reforms, and gradually made all traces of them disappear.

Leopold, however, did not yield. He renewed his orders for the observance of all that Ricci had done, and assured him of the protection of the Regency. But it was not probable that those who had opposed him while in power, should now obey him. The

new regents sowed fresh disorders in Pistoia. They said that the popular feeling should be left to its natural course, and declared all interference of the Government on Church matters not only dangerous, but illegal.

Matters were still worse when Leopold quitted Tuscany. Pistoia then became the prey of the fanatics. The Regency, through crafty motives, exceeded the intentions of Leopold, in order to irritate the people. Leopold had ordered the suppression of all splendor in the Church ceremonies, which they interpreted to mean the abolition even of the cross and tapers at burials. The priests were forced, by the clamors of the people, to replace these, and the Government seized that pretext for punishing them severely. This absurd and ill-timed rigor increased the general irritation.

Count Louis Gianni, brother of the Minister of Tuscany, thus wrote to Ricci from Rome, August, 1789:

"The French strike at the root of the evil, and give us a strong and prompt example for imitation. By depriving the clergy of their riches, they prepare them for the acquirement of knowledge and the reformation of morals; the pensioning of monks and nuns will ensure the destruction of the orders. Rome is silent, and will ever continue so, when opposed by vigorous and well digested measures. Would to God that other sovereigns would imitate so salutary a reform!"

There soon was but one party, — that of the enemies of the Bishop. People began to talk of his approaching condemnation at Rome, and of the sentence he was to undergo—a sentence which would have caused him to be called before the Inquisition, and imprisoned in a fortress for the rest of his days.

In order to hasten the explosion, Fabroni, the principal magistrate of Pistoia, caused one of the altars which had been rebuilt at the wish of the people, to be thrown down in the night. This measure was attributed to Ricci, whose personal safety was now menaced by a furious populace, on account of an event of which the Bishop knew nothing. The Emperor consented, at that time, to the abolition of the greater part of the reforms which had been effected during his reign. But this was not sufficient for his adversaries. They hated even the person of the reformer, and left no means untried to make him abandon his diocess, and deprive him of his title.

At Prato a report had been circulated that the Bishop intended to make a pastoral visit, for no other purpose but that of the altar of the Holy Girdle.

At Pistoia, similar means produced similar effects. It was said that the Bishop wished to whiten the image of the *Virgin of Humility*, whose pretended miracles, closing of the eyes, tears, &c., raised the public fanaticism into fury. In April, 1790, the revolution broke out. The magistrate who had removed the altar was one of its directors, and so managed the ferment as to produce what was ardently desired, the departure of Ricci, who quitted Pistoia.

Scarcely was he gone, when the people had, in a few days, abolished many years' work of reformation. The altars which had been demolished were rebuilt, the images were replaced and veiled, the abolished ceremonies were resumed, with all the pomp of the church festivals and ceremonies, the books recommended by Ricci were burnt, the monasteries re-established, &c. The few partisans of the Bishop who remained, were styled *Scipionists*, and pointed out

to the popular fury, and forced to retire from the town. Everything was replaced on the old footing.

Ricci, on his retirement, preserved all his firmness, which was joined with resignation. His curates testified their admiration of and regard for their Bishop, and informed him of the evils under which they were suffering. Some of them, who had recanted the principles they professed under Ricci, again confessed their belief in them, as publicly as they had once retracted them.

But the retreat of Ricci had not the effect of restoring order in the diocess of Pistoia. His adversaries were supported by the Regency and the local magistrates, who even refused him permission to publish a circular addressed to his curates, because he therein called them *his brethren.* This culpable condescension on the part of the Government to the wishes of the mob, speedily rendered the revolt general throughout Tuscany. It broke out at Florence, June, 1790, and the people found no difficulty in procuring, with other privileges which they demanded, the abolition of all ecclesiastical reforms.

At that time, an English Roman Catholic lady, believing Ricci's life in danger, offered him letters and money to enable him to seek protection elsewhere. He retired, however, to his villa when he received intelligence that the Emperor Leopold had given up the Grand-duchy to his son Ferdinand, and that he had no longer any hope of suppressing the disorders.

As soon as the new Grand Duke's arrival was announced in Tuscany, the enemies of Ricci seized the opportunity of demanding that Ricci should be deposed. But as the Emperor had signified his order for the re-installation of the Bishop before he should arrive in Tuscany with his son, the Regency thought this would be a good opportunity to raise anew the popular discontents, by publishing that fact. Instead of doing anything to quell them, they sent orders to Ricci desiring him to return to Pistoia.

The prelate replied, that before he decided on exposing himself to new affronts, the Government ought to punish the rebels, and calm the spirits of the populace; that his departure from his diocess had been forced, and that his return, in like manner, depended on their acts, and not on himself.

Ricci had no wish to return to his diocess; but he wished, if this were insisted on, that his residence there might at least be rendered *possible.* He refused to do anything that might dishonor himself, or consent to make any confession which should hurt his conscience: and though strongly pressed by Leopold, he remained firm in his ancient opinions, and "continued to hold fast the doctrines which he had always professed."

The Emperor reiterated his orders to the Regency in the most formal terms; but no steps were taken to put an end to the troubles. The Government gave orders a second time, however, for Ricci to return to Pistoia, as Leopold and his son were daily expected; and this order created a great effervescence throughout the whole of Ricci's diocess.

The Emperor arrived in April, 1791. The malcontents of Pistoia presented a request to his Majesty, that he would deliver them from their Bishop: but they were very coolly received. The Bishop was received in a very different manner by Leopold, as well as by the Prince, who gave him a public audience, in which he assured him of his support. This encouraged his adherents in the two

diocesses, who earnestly demanded the return of their pastor. But it was already determined that the repose of the country should be purchased by the dismission of Ricci, and Leopold hinted this to him distinctly in their last interview.

The moment for accomplishing his utter ruin was not yet come. His enemies, however, continued to keep up the cry against him, and repeated till they fancied they understood their own meaning, *that Ricci did not believe in the Pope.*

The Grand Duke addressed himself to the persecuted prelate, and desired to know what it was his intention to do. Ricci left the decision of the question entirely to Ferdinand, and wrote to him to that effect. The Grand Duke sent him a form of resignation, which Ricci only modified so far as to render it canonical, and signed it the same day.

When Ricci was about to leave his diocess forever, all those who were not quite his enemies expressed their regret at losing him, either in person or by letter; and this was the only consolation now left to him. In vain he retired from public life. While a public man, only his system and his enterprises had been attacked: now, the attacks were turned upon him personally. The first attempt made on him was in the shape of a long lawsuit, to deprive him of the pension which had been promised him. He refused, however, to plead the cause, and preferred renouncing the salary.

Another source of regret was, to see his successor, Falchi, confirm all that had been perpetrated by the ignorant and turbulent persons of his diocess; the banishment of all attached to his person or opinions; and the desolation of the ecclesiastical patrimony raised for the payment of the clergy.

The ex-Bishop, amidst all these events, led a retired life, forgetting the promises which had been held out to him by the Government, as a compensation for the loss of his bishopric, as easily as those promises had been forgotten.

The death of the Emperor, in March, 1792, removed all restraint upon the enemies of Ricci, and especially from Falchi, who immediately invented a report, that the late diocesans of Ricci, whom Falchi had banished, had kept up a correspondence with their late Bishop, on the best means of poisoning Falchi; and he drew up an absurd declaration, which only published to the world the folly of his atrocious suspicions.

The Court of Rome now determined to interfere in these persecutions of Ricci, especially when it discovered that the Synod of Pistoia had served as a model for the civil constitution of the clergy, recommended by the French Constituent Assembly. Pius VI. began by fulminating the most outrageous declarations against the French. Afterwards he attacked the Bishop of Pistoia; and it was determined, at one time, to cite Ricci before the Papal Court. The success of the French arms, however, and the indignation they felt at the interference of the Pope, stopped this for a time.

Of the extravagancies and horrors then perpetrated at Rome, Ricci received the following account:

"The principal efforts were directed against the *Ghetto*, the quarter of the Jews, whose pillage had been promised to the Roman mob, as a reward for the murder of the Republicans, and whom fanaticism held forth to the blood-thirsty Catholics as the enemies of their God. M. Y. informs us, that it required all the efforts of

several thousands of soldiers to prevent all Jews, who had shut themselves up in their houses, from being burnt to death. The Romans demanded, with loud cries, permission to 'burn them in honor of Peter and Paul, of religion and his Holiness': the shouts of *hatred and death* to the French were mingled with these transports of ferocious devotion. 'The outcries commenced in the midst of gangs of barbers and postilions, among whom were also some Abbes of respectable families. To satisfy the people, Pius VI. subjected the Jews again to all the restrictions, duties, penalties, exactions, and to the distinguishing and infamous marks to which Pius V. had condemned them, and which the progress of civilization, of knowledge, of justice, and of humanity, had abolished.' "

Ricci now resolved to live altogether in private, in order to avoid giving his enemies any pretences for further persecution. His buildings and his occupations were devoted to the benefit of the poor; and while he employed himself in furthering the welfare of his fellow creatures, he could not help being grieved at the conduct of those whose duty it was to meliorate their condition, instead of rendering it more perilous and painful.

It was in this light that he regarded the conduct of the Roman Court, which was then preaching up a crusade against the French, and inflaming the people by noisy and turbulent missions. This produced the massacre of Basseville, and the popular tumult which was excited by the priests, who determined, "in the name of the Virgin, the Apostles, and the Pope," to murder all the French, and burn all the Jews who were to be found in Rome. Such infamous policy as this only rendered the situation of the Pope more critical, and tended to hasten the fall of the Papal throne.

While the French conquests were threatening the temporal monarchy of the Pope, the Spanish ministry was menacing its spiritual despotism, by announcing the publication of the Acts of the Council of Pistoia.

"The reprinting of the Synod of Pistoia, which was about to be published in Spain, has decided the issuing of the brief, *Auctorem Fidei*, in order to prevent it. The non-publication of the acts of Ricci's synod was in consequence of the fears with which Rome still inspired Spain at that period. The germs, however, of a reform, similar to the one effected by the Grand Duke Leopold, did not on that account spring up the less; and, when the change of circumstances had operated a total revolution in ideas, when it had emboldened the old Governments of Europe by humbling the Court of Rome, their ancient enemy, the courage of the Spanish bishops appeared to revive, the Minister resumed his former plans, and the Concordat he was then desirous of concluding, seemed to be entirely conformable to the principles of modern canonists. The Pope trembled, and the Jansenists mutually communicated their hopes."

"It consoles me to see that good principles begin to find their way into Spain, where several bishops think of reforming many abuses."

"It is not the Synod of Pistoia which raises its voice, but men who are at length aroused from their profound sleep, lashed by the tyrannical despotism of the cursed Babylon, Rome! I hope that the synod thus severely treated, will become the model for this portion of Spanish Catholicism."

"The arrival at Rome of the Spanish ministers, causes as much

alarm there, as, a short time ago, did the approach of the French army. The latter, at the worst, only exacted a temporary contribution. The former threaten the fixed funds and revenues from which that court draws wherewithal to support its luxury and splendor."

The Papal Court, as usual, tried to operate a diversion in its favor, by ordaining a final examination of the Council of Pistoia, intending to issue a formal condemnation of it.

Accordingly, in April, 1794, Ricci received an intimation from Rome, that the Pope would be graciously pleased to hear a defence of his synod, if he should appear at Rome before the Bull was issued against him. This letter Ricci communicated to Ferdinand, representing that the Pope had violated his promise towards Leopold; but Ferdinand, who was unwilling to give up Ricci on the one hand, and on the other dreaded the vengeance of Rome, recommended Ricci to refuse going to Rome, on the ground of his ill health. He was enjoined to declare his devotion to the Pope, and to insinuate that it was surely unnecessary for his Holiness to occupy himself with the acts of a synod, which were now nowhere in force.

The object of the Spanish Government, in wishing to publish the Acts of the Synod of Pistoia, was, that they might serve as a basis to the reforms which it contemplated; and this was the cause of the anxiety of the Papal Court for their suppression. With this view, the Pope caused his Nuncio to give the Spanish Court notice of the approaching condemnation of the assembly of Pistoia, and this sufficed to stop the projected printing of them. Without replying farther to Ricci, the Pope issued, August, 1794, the famous Bull *Austorem Fidei*, of which none of the articles were communicated to Ricci, notwithsanding the Pope's promise to that effect, given to Leopold. Ricci, who had received no notice of his own condemnation, was resolved not to reply to what he was not supposed to know. Ferdinand approved of his conduct, and the Bull was forbidden to be sold or published in any of the Tuscan States, though the Pope's Nuncio contrived to circulate it surreptitiously among the people.

The Bull did not, however, produce all the effects which the Papal Court expected. It was suppressed at Naples, Turin, Venice, Milan, in Spain, Portugal, and France; and even at Rome it was despised.

"At Rome, this affair, the condemnation of the Synod of Pistoia by the Bull *Auctorem*, is spoken of still less than at Florence; that is to say, it is not spoken of at all."

But Rome, though deprived of the triumph she expected, contrived, by her intrigues, to excite against Ricci the envy and hatred of all his old colleagues, particularly Falchi; and however retired the ex-bishop lived, he could not but feel the effects of them. The people dispersed when he mounted the altar, even his confessor refused him absolution, and he was very near passing for one of the most dangerous heretics.

It was at that time sufficient to bear the name of Jansenist, to be overwhelmed with all the implacable hatred of Rome, which saw in the Jansenists its most dangerous enemies; and to be exposed to all the persecutions and vexations which fanatics, bigots, fools, and hypocrites are capable of inflicting. The success of the French revolution, which was regarded as the completion of Jansenism,

whilst both of them were but the result of the greater or less extension of knowledge, had rendered this religious furor much more ardent than it had been before this epoch.

Sciarelli wrote from Colle, September, 1794:

"I find several propositions condemned, which previously to this Bull my limited understanding had considered Catholic ones. The Bishop of Pistoia and his followers condemned the propositions condemned by the Roman Court, in the very sense of the Bull—a sense which never had been either theirs, or that of the diocesan synod. Did not those sectaries themselves, like the primitive Jansenists, know what they believed, or what they ought to believe? Or rather, did their greater or less degree of faith depend, not upon their more or less share of piety or knowledge, but upon the greater or less strength of their character for resisting the caresses and the menaces of the Court of Rome?"

Camillo Albergotti Pezzoni wrote from Arezzo, September, 1794:

"The mania for universal dominion always renders the Court of Rome more and more obstinate in the profession of her pernicious, lax and *Loisolistical* maxims; puffed up with papal infallibility, she declares war against the defenders of the wholesale doctrine of the Church, which is that of Augustin. In the present situation of Europe, the Pope excites pity, when he is seen hurling forth decrees of condemnation one after another, which wound the sovereign authority. He speaks of the Bull *Auctorem*, and guarantees maxims of laxity. This is the work of the Bolegni, Cuccagni, Marchetti, Zaccharia, &c. This slow surprise made upon the Pope by the shameless Molinists, against the Augustinian doctrine, is a fresh infallible argument of the fallibility of his Holiness."

The Abbe D. sent Ricci the decree of the Inquisiiton of Genoa, printed at Genoa, and bearing the following date: Ex edibus S. Inquisitionis Genuæ die 19 Septembris, 1794, from the Palace of the Holy Inquisition of Genot, 19th Sept. 179. That decree was directed against the acts of the Synod of Pistoia, whic had been proscribed, as it was expressed by the Pontifical Bull. The Abbe adds to this document, so remarkable for the period, the copy of a letter written by *Fra Benedetto*, brother Benedict Solari, Bishop of Noli, to the Senate of Genoa, to disprove and combat the said decree, and the condemnation of the acts of the Council of Pistoia, which he declared he would not receive.

In the mean time, the influence of the French was daily more and more felt in Italy, by means of the Republican arms.

It was in Italy as in Spain. The new opinions equally favorable to the governments and the national clergy, no longer finding the same resistance on the part of Rome, which was reduced to defend its own existence, were rapidly propagated, and received with welcome, especially by those who had hitherto been dominanted the lower clergy. The French Constitutionalists seconded with all their energy this moral revolution, by disseminating their opinions and maxims, in proportion as they extended their communications, with their correspondence, the only method of at length rendering their Church, if not more respectable in the opinion of the Roman court, at least more formidable, which produced the same results.

The character of cannibals had been generally given to the French in Italy, by all the weak and timid Governments ,who hoped to inspire the people with the courage of despair against pretended

kinds of monsters whom they had held up as objects of terror in the tales of the nursery. The Papal Government particularly distinguished itself by those puerile follies. It caused it to be reported throughout all its States, that the French Republicans were impious men, and barbarians; that they married several wives, and adored several gods, amongst others the idol called *the Tree of Liberty;* that they violated women and young girls, and devoured children. This is asserted in a pamphlet published by Annibal Mariotti, who, upon the entrance of the brigands of Arezzo into Perugia, was arrested, for having refuted these absurd Papal calumnies. He was one of the twenty individuals detained for *Jacobinism*, whom the regency of Perugia selected from among a thousand victims which crowded their prison, and whom it granted to the *Aretins*, who had only asked for ten, to grace their triumphal return to Arezzo.

As the civil constitution of the French clergy had been modelled upon the reforms of Leopold, it was neither judged proper to condemn them at Florence, nor to persecute their partisans. Ricci, therefore, thought he might now come and inhabit the capital.

The Court of Rome seemed driven to its fate by a kind of insanity. It issued new Bulls against the French Directory more furious than the first. Another method it adopted was, to excite the mob, by the exhibition of pretended miracles, to renew the Sicilian Vespers throughout Italy. The shutting and opening of the eyes of the Madonnas in the churches and streets were tricks principally resorted to, and were interpreted by the priests as irrefragable proof of the victory which the soldiers of the Roman Court would infallibly gain over the troops of the Republic.

We shall notice the miracle of the famous Madonna of Ancona. From a work published a few years ago, we can see the spirit of those who governed at the period connected with this history, and the nature of that which they are endeavoring to establish in the present day. This work is entitled:—"A moral and historical picture of the invasion of Italy in 1796, and of the miraculous and simultaneous opening of the eyes of the holy image of the most blessed Maria, reverenced in the Cathedral of Ancona: Assisi, 1820: With license."

The author is the Abbe Vincent Albertini, professor of eloquence at Fermo. After his portrait, which is immediately followed by that of the Madonna, is the author's Dedication to the most blessed Virgin. Then comes the introduction. "Modern policy, it is said, is wholly occupied with the most moderate plans and systems, with the most salutary amnesties, and with a most sincere and unreserved oblivion of the past, with the conviction that this will be found not a momentary, but a lasting panacea for all the evils which have so long afflicted Europe."

Albertini commences his subject by a long dissertation upon the eyes so full of tenderness of the Virgin. "Hitherto nothing had been so common as to see those eyes turn towards us, but then it was only from the summit of the Heaven where she dwells." It was for Ancona that the rare happiness was reserved of possessing the first image of the Virgin which visibly opened and shut eyes painted upon the cloth, and this at a time when the presence of the French kept up the violent agitation of men's minds.

He attributes that agitation, which he calls a convulsion, to "the abominable race of anti-social misanthropes, self-styled philosophic

regenerators;" and maintains that history will confound them with the Ravaillacs, the Cromwells, the Maribeaus, the Marats, and the Robespierres.

He speaks of the miracle of Ancona, which took place June, 1796; at the very time when the news, which had been spread about, of the defeat of the French in Germany and Upper Italy, had made the subjects of his Holiness believe that all that was wanted to effect a complete riddance of the presence of the Republicans was a small quantity of popular fanaticism, very easy to be aroused by means of some pretended prodigies. "The angels," says the author, "who, upon their heavenly throne, worship with profound veneration their mighty sovereign—the angels, whose countenances we are not permitted to behold, envy, in some degree, your lot."

All the inhabitants of Ancona flocked to this image of the miraculous Virgin, and manifested the most sincere signs of penitence, joy, and devotion. Cardinal Ranuzzi showed himself among the foremost.

There was a plausible motive for the Virgin performing her miracle at Ancona, in preference to any other place; which Albertini thus explains:—

"Ancona, placed in the centre of Italy, is a sea-port; vessels might, therefore, carry in a short time the news of this miracle from the Adriatic Gulf to the most distant nations of the two hemispheres." Our author assures us that Jesus Christ conceived the first idea of this anti-republican miracle; and spake to his Mother in the following strange manner: "Go, O conciliating and mediating between God and man, whom thou hast conquered! In thee have I placed the seat of my power. By this means I grant the favors asked at my hands. As thou gavest to me the essence of man, so will I give to thee that of God, my omnipotence, with which thou canst assist all who recommend themselves to thee!"

Albertini desires, he says, not the death, but the conversion of the sinner. He would even have wished that the Emperor Julian, whom Christian historians have named the *Apostate*, and whom he calls the *impious iconoclast*, could have seen only once the miracle which the most noble city of Ancona enjoyed for several months together.

The famous *restoration* of the absolute Governments, which is also a miracle, could not be passed over in silence by the historian of the miraculous image. "All the Italian princes, with the exception of the overthrown Republics, are stupified, as after a long sleep, in seeing themselves reinstated in their feudal dominions,—an event which no human power could have calculated."

Then follows the history of the miraculous image placed in a magnificent chapel of Cyriac at Ancona:

"So unheard-of a prodigy was attested by more than eighty thousand ocular witnesses, and by legal inquiries. A true account of it was published, by order of Cardinal Ranuzzi. Besides this, the deputy Betti made it a duty to transmit this fact to posterity, by means of an inscription engraven upon stone, and which, for the purpose of preserving the recollection of it for ever, was placed in the cathedral.

"In November, 1796, was finished the *proces verbal* which had been drawn up of the proofs of this miracle, under the strictest regulations.

"The Pope, by his brief of November, had just instituted a pious

brotherhood in honor of this image, under the name of the Sons and Daughters of Maria. After this miracle, it was found impossible to close the church for twelve successive nights, so great was the concourse of people attracted by the prodigy."

"In July, three painters, the Vicar Pacifici, the notary Francois Vallaca, and the attorney Bonavia, accompanied by several witnesses taken from the canons, by many noblemen and some foreigners, went to examine the manner in which the holy image was painted, in order to ascertain with certainty whether some imposture, the work of human malice, had not been introduced by means of the change of colors, &c. Scarcely had they taken off the glass which covered it, when the image opened its ever blessed eyes twice successively, to a greater extent than it had ever before done, and then closed them again, as a still farther proof of the truth of the first miracle."

It is not exactly clear whence arose the incredulity of the examining commissioners, since at the time of the solemn procession of June, the day after the miracle, the Virgin did nothing but open, shut, and turn her eyes on all sides, to the great delight of the inhabitants, who wept tears of joy. In June 1800, and August, 1817, this same procession took place, by way of thanksgiving; but the Virgin did not vouchsafe to open her eyes. It appears she had seen enough!

Pius VII. crowned the miraculous image in May, 1814, an event which was commemorated by an inscription. He fixed its anniversary on the second Sunday of the same month, and attached to it the benefit of a plenary indulgence. Albertini says, that it would require too much time to make a catalogue of the plenary and partial indulgences granted by the Popes Pius VI. and Pius VII., in favor of this image.

Bonaparte, who arrived at Ancona a short time after the pretended miracle had been worked, caused the miraculous image to be brought by the canons of the Cathedral to the Palace Trionfi, where he was lodged; and to be stripped of all its rich ornaments and jewels, which he gave over into the hand of the President of the Municipality, in aid of the poorest hospital in the city. The lawyer Bonavia, a partisan of the French, then related to the General all that had taken place, and corroborated his account by the testimony of one hundred thousand persons, all present at the performance of the miracle. Bonaparte took the image, and looked at it with the greatest attention for a long time.

"It cannot be precisely asserted," says Albertini, "*that the Virgin opened her eyes in his presence, but one cannot help at least supposing so.*" That great man continued looking at the image steadfastly, and suddenly was seen to change color. He also made gestures indicative of trouble and surprise. "He finished by restoring to it all its jewels and ornaments—to the great detriment of the hospitals and the poor, whom this new miracle again plunged into misery—and had it replaced upon its accustomed altar, where, for greater awe, he ordered it to be covered with a veil."

The Memoirs of Antommarchi prove to us, that in his last moments, the Emperor spoke with very little reverence of the Italian Madonnas.

"The miracle was afterwards attested by persons of all classes, by rich and poor, by magistrates and private citizens, by ecclesiastics and laymen, by the devout and the incredulous, by Catholics and

Protestants, by Infidels and Jews, by all nations, by all climes, by all ranks, as is stated in the certificate which is preserved among the archives of the venerable church of Ancona." The incredulous, Protestants, Turks, and Jews, as little expected to figure among the witnesses of a miracle, operated by and for the profit of the Court of Rome, as Napoleon himself.

In September, the miracle continuing to be regularly shown to the curious, the Emperor of Germany caused a solemn procession to be made, offered a rich gift in wax-lights, and appropriated a large sum of money for the celebration of masses. Amelia, Duchess of Parma, embroidered with her own hands some valuable tissues, and sent them to the Holy Virgin.

"The miracle of the images of Ancona, Rome, Civita, Vecchia, Maurata, and Ascoli, occupy every person's attention to such a degree, that the French are no longer spoken of."

The wish to see prodigies naturally terminates in the belief of them, and the report of the Madonna miracles soon reached Florence. Some withered lilies, placed before an image of the Virgin, were found next day blown; and the Archbishop Martini, thinking this a favorable occasion to give himself importance with the multitude, went in procession to transport the pretended miraculous image to the metropolitan church.

From that time, the Archbishop Martini became the apologist for, and propagator of, all the miracles; in which *he reposed not the least faith!* but it was a certain method of keeping up the ignorance and superstition of the people, and of enabling him, by this means, to let loose their fanaticism, which it was very easy for him to direct according to his interests or desires of vengeance.

Of two of these pretended miracles, we give the titles. It is remarkable that it was always before the entrance, or after the departure of the French troops, that the miracles took place. While Tuscany was in the possession of the Republicans, the laws of nature were carefully respected by the saints, and by the souls of the other world.

1. "An apologetic letter respecting the apparition of a Spirit, which happened in the month of August, 1800, near the Hills of Rosan, not far from the city of Florence, written by the curate of Villamagna, with the approbation of the Archbishop Antoine Martini. Florence, 1800, with licence." This was the spirit of a female peasant, who appeared, we are assured, in a meadow to a shepherdess to ask her for some *paters* and *aves*, which she said she was in want of, in order to get out of purgatory. As many as ten thouand persons at a time repaired to the spot to find the shepherdess, who maintained that she had seen the spirit.

2. "A succinct account of the miraculous production of oil, which took place, or was discovered, May, 1806, in the monastery of Maria degli Angeli and Maria Maddalena de Pazzi, at the intercession of Maria Bartolommea Bagnesi, a Florentine virgin of the third order of Dominic, authentically confirmed by a decree of the Archiepiscopal Court of Florence, December, 1806. Florence, 1807, with approbation." The eager devotion of the Florentines, who were all desirous of procuring the oil of the lamps of Bagnesi, exhausted the convent. Santa Pazzi, its abbess, *created* seven barrels at a time. The Queen Regent of Etruria hastened, at the first intelligence, and got herself anointed. Martini guaranteed the miracle, and the faithful prostrated themselves.

These unworthy means, however, did not succeed; and Rome, theocratic as it as, found herself, after all her efforts, forced to become a democracy. Ricci sincerely lamented the fate of the Pope; but not wishing to range himself with either party, he retired to his villa, occupying his leisure only with pious books, and in the composition of others, up to the time when the French took possession of Tuscany, March, 1799.

Ricci, speaking of the changes which had taken place at Rome, recently become a democratic Republic, says, that he never doubted "that this great good, of which we are now spectators, would happen to the Church. . . . . The opprobrious name of Court is at length abolished; the haughty monarchy is now annihilated. Would to God that all the old despots of the Vatican lived contemporaries with Pius VI., because, chastised in their own pride, they might prepare themselves better than they have done for their passage into eternity!"

He gives an account of the fanatical tumult of the Roman populace, especially that part of it on the other side of the Tiber, against the Republicans, to the cries of "*Long live Mary, religion, and the Pope!*" Many lives were lost in it. "What most astonishes me is, that this revolt has been entirely the work of monks and priests. A Capuchin, the ringleader of rebels! These are terms that fanaticism alone is capable of reconciling."

In a pamphlet by Joseph Giusti, July, 1801, is the following picture of the situation of Tuscany:

"The irruption of the barbarians brought along with it the triumph of ignorance, superstition, anarchy, and crime. The priests taught to cover every crime with the veil of religion. The vilest wretches planned the fatal plot, the object of which was the annihilation of religion and virtue; and a usurping Senate brought back into our country the dreadful time of Tiberius—nothing was witnessed but scenes of horror.

"The most irreproachable men of all classes and conditions, honorable and peaceable citizens, virtuous patricians, upright magistrates, brave soldiers, respectable ecclesiastics, all men of a superior talent, the glory of their country, and who in numberless instances had merited well of their country, perished wretchedly either by the blow of the assassin, or at the stake planted by fanaticism. Others were arbitrarily arrested and dragged before a tribunal of cannibals: there, without the least shadow of justice, without proofs against them, without the means of defence, they were subjected to the most infamous penalties, to the galhes, to imprisonment in fortresses, and to banishment. Others, finally, who had with the utmost difficulty and danger escaped from their ferocious persecutors, took refuge in foreign countries, there to lead a wandering and wretched life, carrying with them the cruel recollection of the tyranny of an iniquitous government, and of the ingratitude of their fellow citizens. Above thirty thousand families were victims of these proscriptions; and Ferdinand saw with complacency, from the centre of Germany, the ruin, despair, and extermination of the best of his subjects.

"All idea of morality was overturned; the public instruction was poisoned at its fountain-head, and every idea of humanity and justice was annihilated. Insurrection, anarchy, and massacre, were openly preached by the ministers and the sanctuary, were repre-

sented as conscientious duties by a thousand inflammatory writers, and were authorized and encouraged by the Government itself.

"Such was the state of Tuscany, in October, 1800, on which day the approach of the Republicans forced the most notorious authors of these excesses, cowardly to take to flight, leaving Tuscany to be governed by their own sub-delegates, the only instructions given to them being, to endeavor as much as possible to keep up the system which they had themselves established.

"Those creatures of a fugitive General and Regency—creatures, whose authority was contrary to all the rules of policy respected by the conqueror after the occupation of Tuscany, continued to foment the popular fanaticism, and to prepare the country for a general rising. But French generosity was at length exhausted, and it was resolved, if necessary, to join to the old governors three persons more worthy of confidence."

After having seen the crimes of the *insurgents of faith and legitimacy*, it will be well to observe the solicitude of the Government to reward their horrible services.

"Circular instructions to all the commissioners created by the decree, *Motu proprio*, of February, 1800." The decree of last February declares that his Royal Highness has established a commission, charged with examining the merit of the individuals who have, during the insurrection of the Aretines, or after they had exhibited this great example, given proofs either of military valor or of political prudence, by giving birth to, fomenting and exciting the rising against the enemy in any of the provinces of the Grand Duchy. The said commission will draw up an account of the deeds which have rendered illustrious, during this period, not only the town of Arezzo, but also all the other towns, boroughs, and villages of Tuscany, pointing out the names of persons the most deserving of reward, as well as those who have lost their lives during that interval.

Ricci happened to be at Florence at the time of the entrance of the French troops, and therefore could not retire to his villa, as the new Government had directed that no one should be allowed to leave the city, in order to prevent emigration. This compelled him to be a witness of the fanaticism of Leopold's Government. The insurrection of Arezzo was a grand event for that party. Religious enthusiasm made the rebels elect the *pretended miraculous Madonna their generalissimo;* and under her standard, they followed the Republican strugglers, whom these wandering hordes massacred without mercy, and plundered with safe consciences. *The image of the Virgin was the standard of assassination, and robbery!*

The band directed their steps towards Florence, where Ricci's name was already at the head of a list of victims to the monks, the priests, and the grandees, formed before the arrival of the hordes of Arezzo. The *Leopoldists* were especially in danger; and the insurgents came twice to the villa of the prelate, where they hoped to find him. They failed, however, in their search of that place, but the unfortunate Bishop was arrested at his house in Florence, in July, 1799, and next day transferred to the prison da Basso, where the French prisoners were confined, and where they were treated by the Arentines with so much inhumanity, that the prelate, in their mutinies, often ran the risk of being massacred.

The Arentines had no sentiments of hatred towards Ricci, of whom they had perhaps never heard; and he thought he might

probably obtain his release by writing to the Archbishop of Florence and the Bishop of Fiesole, to explain his situation, appealing to them as one of their brethren. The dark counsellors of Martini advised the Archbishop to pay a visit to Ricci, and to try by threats, promises, or reproaches, to engage him to a recantation of his opinions, and thus to remove from him all that was left him—his honor.

Martini followed this advice; and after describing to Ricci the dangerous feeling in the public mind, he recommended him to accept the Bull *Auctorem Fidei;* and concluded by reproaching him with the sanction he had given to the civil constitution of the French clergy, &c.

Ricci began to be intimidated, and asked counsel of Martini himself, who, seeing what might be made of the prisoner, paid him a second visit, in which, with extreme mildness, he urged the same arguments, which gained over the unfortunate prelate so far, as to lead him to consent to write a letter declaratory of his coincidence with Martini's opinions.

This document, however important to the defenders of the old abuses, was not regarded as strong enough. Martini took it upon him to say to Ricci in what it was deficient; and the Bishop had the weakness not only to yield, but to request that Martini would correct the letter in his own way. *After this was obtained Martini refused to take any concern in Ricci's affairs: he even refused to send Ricci's letter to the Pope, and altogether ceased his visits to him!* The ex-Bishop was detained nearly a month at the fortress da Basso.

The excesses committed by the Aretines has roused even the indignation of the Germans, for whose advantage they committed them. General Klenau ordered them to quit Florence, under the pretence that they were required to raise th siege of Perugia, which was still in the power of the French. But they liked better to pillage the Jews, and to remain in excellent garrisons; accordingly they said openly, that as they had fulfilled what they styled their glorious mission, they had no reason to march farther. They soon however dissolved, as it was likely, from their want of discipline, they would.

The commandant of the fort where Ricci was confined, finding no charge against him, ordered his liberation; but the Senate of Tuscany seemed to have aroused all the fury of the brigands of Arezzo; for when Ricci, after recovering from his prison malady, went to visit the Archbishop of Florence, the latter, after cruelly boasting of the absolute authority which had been granted him over the arrested ecclesiastics, told him that the people were not well pleased to see him at liberty, and recommended him to retire to any convent of the capital which he might choose. Ricci proposed to go to the Fathers of the Mission; but they were cowardly enough to refuse him. He next chose the Convent of the Dominicans, at Mark.

Here Ricci was treated exactly like a prisoner of the Inquisition. He had only a miserable cell allowed him; all the comforts of life were refused him; the monks fled from his presence, and he could scarcely obtain the privilege of saying mass in one of their private oratories. This was an inner chapel, which the Dominicans of Mark had caused to be magnificently constructed and embellished, in honor of Savonarola, close to the little rooms which had formerly been his cells. Over the entrance-door is still to be read this Latin

inesription: "*Has cellulas Ven. P. P. Hieronymus Savonarola, vir apostolicus, inhabitavit.*"—"*These cells were inhabited by the apostolic Hieronymus Savonarola.*"

During his stay at the Convent of Mark, the Bishop of Pistoia made some extracts from the manuscripts which he found in the library, relative to that *heretic saint!*

Amongst others, is a letter written March, 1495, by the magistrates of the Republic of Florence, to Richard Becchi, its ambassador at the Court of Pope Alexander VI., to thank him for the pains he had taken to procure permission that Savonarola might continue to preach in their capital. Mention is therein made of "falsities and calumnies which envious and wicked men are continually inventing and disseminating abroad, respecting Brother Jerome Savonarola. Not only, add the magistrates, has this brother been attacked, but we ourselves have been strongly suspected, as you write us, of suffering Brother Jerome, in his sermons, to speak to us in no very honorable terms, and without any respect in public, of the Church, and of our Lord, the Pope. Wherefore it appears to us just, as it is necessary, to let you clearly understand, that Brother Savonarola, in his sermons, has never to this day overstepped the limits traced by propriety, and which a kind of tacit convention generally oppoes to the boldness of preachers. This, however, does not prevent these orators from condemning vices in general, pointing out the errors of the great, and making sinners tremble, by a lively and seasonable description of the Divine punishments which threaten them. If Brother Jerome had, in the least degree, exceeded the limits of which we have just spoken, in all which concernss the sanctity of our Lord, we would not have permitted him on any account to have preached in future."

In April of the same year, the magistrates wrote to the Neapolitan Cardinal, the patron of the order of Dominic, that they had so great a veneration for the Prior of Mark, Brother Savonarola, that they thought they could do no good thing, unless exhorted to it by that monk. "For the piety of this man is admirable, his life spotless, his doctrine excellent. But what is above all that can be said, a still rarer merit, and one which we equally acknowledge in him, is, that he is inspired by a Divine spirit. He has not only predicted the common and ordinary things which have hitherto happened to us, but has forewarned us, in his sermons, of the most extraordinary events, such as we could have least expected, long before they took place. It is impossible to express how useful his ermons are to us, as much for the salvation of our souls, as for the tranquility of our Republic."

A third letter from the Florentine magistrates is addressed to Pope Alexander VI. himself, entreating him to allow Savonarola to reside among them. It is the most honorable testimony of the piety, learning, purity of morals, and holiness of life of Brother Jerome, and a refutation of the calumnies invented for his destruction. This letter is dated September, 1495.

Then follow the fragments of some letters from Anthony Magliabechi to Theophilus Spizelius, a Protestant minister of the Church of Augsburg:

"With respect to the accusations against Savonarola, they are futile, and without the least foundation. As a man, as a Christian, as a monk, as a preacher, he was compelled to take part in public affairs; for all was hastening on to ruin; and not only were the

morals much relaxed, but even atheism triumphed so audaciously, that many writings, whose sole object was to turn the Holy Scriptures into ridicule, were printed over and over again, such as the Sonnets of the Canon Pulci and others. Thousands of holy men have done the same thing, in times less demanding their interference than those in which Savonarola lived.

"To say that he was desirous of courting interest and favor, is one of the greatest falsehoods ever heard. Had he desired honors, he would have flattered the House of Medicis, and the Sovereign Pontiff Alexander VI., who had promised him, if he retracted, a cardinal's hat.

"The trial of Savonarola now in circulation, is falsified and garbled. That was the reason why it was not read in Savonarola's presence—a circumstance which scandalized the people much, but in which his judges took not the least concern. I have made every possible effort to get a sight of the genuine trial, but always in vain. Patriarca, who was employed in the fiscal chamber, and who had all these documents in his trust, told me he had seen in some old memoirs, that this trial had been immediately taken away, and that the enemies of the monk had either torn it in pieces, or burnt it. *They then published an interpolated and altered trial; and in order to prevent their fraud from being discovered, they destroyed the real one, in order to remove every possibility of comparing the two trials, and discovering their iniquity!*"

In the midst of the Bishop's sufferings, Pius VI. died. Martini advised Ricci to write to his successor; and one of the Dominicans engaged the Nuncio to visit him, in order to procure a dishonorable recantation of all his opinions. Ricci refused the Nuncio's interference: the latter withdrew in anger. Martini was jealous of the Nuncio, and refused any longer to interest himself in the fate of his colleague.

The health of Ricci was visibly injured, owing to the suspense in which he was held, and the perfidy of his pretended friends. He also heard that it was at the Archbishop's instigation that the Dominicans refused to allow him to officiate in their Church, thus authorizing the Florentines to regard him as a dangerous heretic, a person to be shunned. However, he bore all patiently, and passed the greater part of his time in the library or his cloister, in perusing the works of those fathers who most coincided with his opinions.

Under these circumstances, instead of receiving any assistance or consolation from his family, he was persecuted even by his own brother, the Senator Ricci, who finally succeeded in suspending the payment of the pension assigned to him by the Grand-ducal Government till after the decision of his trial. All these vexations had such an effect on the spirits of Ricci, that his physicians, dreading a long and dangerous malady, applied to the Senate for permission to have Ricci transported to his country-house, as good air and quiet were the only remedies for his disorder.

(TO BE CONTINUED.)

Will the U. S. Judiciary Permit, and the People Ratify, the Congressional Overthrow of Our Constitutional System of Government?

Mr. Watson's Argument Against the Conscription Acts, Before Judge Emory Epeer, at Mt. Airy, August 18, 1917

(On the 18th of August, 1917, Judge Emory Speer, of the United States District Court, heard argument in the cases of two negro men, jailed in Augusta, Georgia, for failure to register, as per the Acts of Congress, May 18, 1917.

The Judge held court under the trees in front of the hotel, with a large crowd of people—many of whom were ladies—encircling the improvised open-air court.

Probably no Federal Judge ever presided under circumstances so unique and informal; and the inborn respect of our people for legal authority was never more beautifully illustrated than by the perfect decorum of the assemblage during the several hours of the sultry day, when Judge Speer, without Marshal or Deputies, or other official attendants, held court as our Germanic ancestors did a thousand years ago—under the spreading branches of a noble tree.

The District Attorney, Mr. Earl Donaldson, replied to Mr. Watson by reading the decision made by the Supreme Court of Georgia during the Civil War, and the obiter of the United States Supreme Court in the Tarble case, where a STATE undertook to question an Act of Congress.

Mr. Donaldson did not attempt any defense of Section 6 of the Conscript law; nor did he try to answer Mr. Watson's argument on the 13th Amendment; and he appeared to evade studiously the claim that the citizen cannot lawfully be sent out of the country against his will.

Indeed, the District Attorney did not seem to realize that the President's proclamation of July 10, 1917, had already FUSED THE STATE MILITIA WITH THE REGULAR ARMY, IN VIOLATION OF THE CONSTITUTION.

Judge Speer asked that the briefs of the attorneys be submitted to him, and he stated his purpose to carefully consider them before rendering his decision.)

May it please your Honor:

WE are here for no other purpose than to discuss a question of law. We have nothing whatever to do with the politics, or the sentimental aspects of the Great War. Those matters have no place in this forum and this case.

We are here with one issue only, and that isuse is, whether Congress in exercising the Constitutional grant of power to raise armies has enlarger its own powers and those of the Executive in a manner destructive to other provisions of the Constitution.

Has Congress, wilfully or inadvertently, adopted a method of raising armies which overthrows the Constitutional scheme of government? Does the method of 1917 nullify the system created in 1787? Does the present plan of Army increase practically abolish the militia system of the States, which system was in existence when the present Federal Government was formed, and whose continued existence, as a necessary part of State machinery, is provided for in the Constitution? Is it within the power of Congress to au-

thorize the Executive, by his Proclamation, to fuse the militia with the Regular Army and order it beyond seas for service in foreign lands?

Has Congress the power to disintegrate the States, by abolishing the essential principles of the States' Bills of Right, thus depriving the States of the sovereign power to protect their citizens in the exercise of immemorial rights?

If the Constitution itself forbids a State to deprive the citizen of liberty, save as a punishment for crime, and if the State is forbidden by its own Bill of Rights to do this, from what source does Congress draw the power to do it?

If Congress can assume any one power which was never delegated, but which was, on the contrary, *expressly withheld*, what would become of Constitutional government?

If Congress can legally make such a law as Section 6 of the Act of May 18, 117, which places every State officer —from Governor down to Constable— under the orders of the President, with no definite limits to the President's control of those State officers, and with a penal threat suspended like the sword of Damocles over the heads of those State officers, what becomes of State rights, sovereignty, and independent authority?

Under Section 6, of the Act, the entire civil administration of the State is subjected to military control and placed under the commands of the President: how can it be contended that such an innovation does not effect a revolution, reversing the relative position of the civil and military power, and overthrowing the State's control of its own internal civil administration?

These questions are respectfully suggested in the case at bar; and there is no other tribunal which can authoritatively answer them.

In the very nature of things, Power is grasping. Its innate tendency is, to grow.

The Constitutional monarch humanly inclines to personal absolutism. Every town council is tempted to become a local Czar. Our sage forefathers, knowing the weakness and the vices of human nature, fixed the bounds of the habitation of the Federal Government and of the States; and to each system the Constitution says, in a spirit of paternal admonition, "*Be content with the orbit assigned you!*"

But because no person can be trusted to act as judge in his own case, and no established authority can be allowed to define its own limits, our forefathers created the Judiciary.

Holding office for life, removed from the accidents of politics, elevated above the clamor of the hour, the Federal Judge is put on guard to protect the Constitutional rights of all—the Federal Government, the States, and the humblest citizen who comes in the hour of his extremity and lays his hand upon the sacred altar of the Law.

In this case, your Honor, two poor negroes are the applicants for protection; and in their behalf we say, that Congress has adopted a method of raising armies which not only violates express provisions of the organic law, but which destroys the immemorial rights of the citizen, and revolutionizes the Constitutional scheme of mixed Federal and National government.

We will not now discuss—for it is unnecessary — the various methods by which Congress might legally raise armies, whether by bounties, by employment of mercenaries, by offering inducements to volunteers, by recourse upon the States for the full number of their militia, or other mode: the sole issue here is, *Did Congress, in May, 1917, adopt a method which the Constitution will not tolerate?*

The complainants in this case would have no standing in court, were it not for the fact that our system of government is different from any other, and that such questions as are raised in this application for relief, *hinge upon those very peculiarities and complexities which distinguish our Republic from any hitherto known.*

..... Our illustrious statesmen have exhausted the resources of language in describing this novel, this marvellous, this intricately complex system — the

One composed of Many, the wheels within wheels, the indissoluble union of indestructible States.

At the very outset of the discussion, we must endeavor to realize fully the controlling power of the fact, that no reasoning based upon analogy, parallel, or precedent will be worth the breath which gives it utterance, if that reasoning does not conform to the Constitution of the United States.

Nothing that any other nation has done, in ancient times or modern, authorizes our Government to adopt the policy of imitation, if this adopted policy conflicts with our Supreme Law, and with the perfect integrity of the *peculiar system of mixed Federal and National sovereignty*, created by the Constitution.

The bare fact of this case being here, illustrates the distinctive nature of our Government.

The vital fact that your Honor has taken jurisdiction, to weigh and determine the validity of an Act of Congress approved by the Chief Executive, advertises the tremendous fact, that our Federal Union not only depends upon the separate existence of the three sovereign attributes of government, but that the life-tenure Judiciary is the final arbiter, in cases where the citizen alleges that Congress and the President have encroached upon his Constitutional rights.

In no other country, does one department of the government thus check and balance the others.

In this country, there is no such doctrine as Parliamentary omnipotence. In our Republic, the desires, the ambitions, the prejudices, the passions of the majority — no matter how numerous, rich, and powerful—can never overbear and override the minority, depriving it of time-honored privileges, immunities and rights, unless the Judiciary prove recreant to its high and sacred trust.

Your Honor! The place you fiill today towers in noble importance above that occupied by any monarch on this troubled sphere. You are humbly asked to uphold and preserve the Ark of the Covenant of our Fathers. We come reverently to the Tables of the Law, and seek to have you tell us what is there written.

No greater issue of life or death, of Constitutional liberty or legalized servitude, has ever been presented to your Honor, or to any other Judge, since Moses came down from Sinai.

The lives and fortunes of millions of men are at stake. The inherited liberties of our English forefathers are at stake.

In countless thousands of homes, your Honor, strong men are suffering more than words can tell, and good women go down on their knees in prayer, while we are here today presenting the case of two poor negroes, whose fate involves that of millions of blacks and whites.

In a general way, we all understand that Anglo-Saxon liberties and institutions originated before there were such things as written Charters and Constitutions. We all understand that our Colonial forefathers claimed these immemorial rights, as a portion of their heritage. We are all more or less familiar with the historic tragedy which caused the British-Saxon laws to be overlaid and smothered by the feudal tyrannies of the Norman Conquest; and we yet drink inspiration from the glorious revolt of 1215, which re-asserted the ancient liberties of the realm.

It is, *or has been*, our boast and pride, that these immemorial rights of free men came down to ourselves, unimpaired, inalienable, imperishable.

Addressing a District Judge of the United States Court in Atlanta in 1873, the late magnificent lawyer and orator, Benj. H. Hill, referred reverently to "the sacred civil jewels, . . . from an English ancestry, hallowed by the blood of a thousand struggles."

Said Mr. Hill—

"It is infidelity to forget them. It is sacrilege to disregard them. It is despotism to trample upon them."

I congratulate myself and the country that my appeal for the Constitution is addressed to one who learned law in part from the great Georgia Senator, and who, like the Federal Judge whom he addressed in 1873,

amid the turbulence and passions of Reconstruction, "possesses the ability to discern, and the courage *to declare the law*, AS IT IS."

What are those "sacred civil jewels" to which Mr. Hill referred, and which are treated with such profound respect by English historians, advocates, judges, and standard authorities on Constitutional Law?

They form the very Primer of Democracy. They are the Holy Scripture of Patriotism. No intelligent person denies that these elementary principles embrace Life, Liberty, and Property—carrying protection as well as security to one's person, to one's free choice of vocation, to one's freedom from restraint, to one's acquirement and enjoyment of property and the fruits of one's toil, unless deprived thereof in some manner prescribed by the established law of the land.

Necessarily incident to personal security, is the sanctity of one's home, which is inviolate, unless a warrant be sworn out against it:

Fair trial by jury, in the vicinity of one's residence, when accused of crime, is also an immemorial right:

Freedom to speak one's opinions, and to publish them to the world, with a view to winning to their support the opinions of one's fellow-citizens:

Freedom of religious belief and worship:

Freedom to keep and bear arms, for the protection of one's life or property:

The right to representation in the laying of taxes, and the making of laws.

Underneath the whole elaborate, and powerful structure of our system of government lies the principle which is the exact opposite and irreconcilable enemy of the ancient royal dogma of Absolutism, or the Divine Right of Kings.

That fundamental democratic-republican principle is, that the People are sovereign; the People are the source of honor, privilege, and power; and all just government rests upon the consent of the People.

Under our system, no Bourbon can say, "I am the State," and act upon that monstrous theory.

The State is the people, and the people are the State; it necessarily follows that in such a system there must be freedom of assemblage, freedom of discussion, and freedom of petition.

In his elaborate work, "The State," published in revised form by Woodrow Wilson, then Doctor of Laws, and Professor of Jurisprudence and Politics at Princeton — 1901 — the learned author forcibly and most truly says —

"Discussion is the greatest of all reformers.

It rationalies everything it touches.

It robs principles of all false sanctity and throws them back upon their reasonableness.

If they have no reasonableness, it ruthlessly crushes them out of existence and sets up its own conclusions in their stead."

("The State," page 139.)

These ancient rights were not first set forth in the Charters of Henry and John: those rights had been in existence "from time whereof the memory of man runneth not to the contrary."

This fact, immensely important to the consideration of the new laws of 1917, is well stated by Dr. Woodrow Wilson, his then title, in his valuable book, "The State."

"Our own charters and constitutions have . . . been little more than formal statements of rights and immunities which had come to belong to Englishmen quite independently of royal gifts or favor. . . . And so our own Colonial charters . . . simply granted the usual rights of English freemen.

Our constitutions have formulated our political progress, but the progress came first." (*The State*, p. 564.)

Chancellor Kent, Judge Cooley, Sir William Blackstone, and all other authorities with whom I am acquainted, state the same great truth — to-wit: that the Great Charter of 1215 and its succeeding legislation were nothing but the re-assertion of ancient liberties. Indeed, Blackstone says in his Commentaries, if my memory is not at fault, that nearly all of the remedial laws of modern times consist of the abolition

of abuses which were introduced by tyrannical Kings.

As everybody knows, our forefathers contended that these ancient English liberties came with the colonists to this country. A seven years' war established that proposition.

The Mother Country acknowledged the Independence of Thirteen American States, *separately*, by name: the old Confederation never issued a Declaration of Independence, and was never recognized by Great Britain.

The old Confederation of the Thirteen States had an Army and a Navy of its own; and this Army and Navy were independent of the States.

Let us bear that in mind, for the fact has its bearing on the issue now in Court.

The independent, sovereign States composing the old Confederation select delegates to a Constitutional Convention, commissioned to amend the existing Articles of Union. Instead, the delegates create a new Constitution, and submit their work to the States, for acceptance or rejection.

The requisite number of the States separately ratify the new instrument of Union, although North Carolina and Rhode Island did not.

Before her accession to the new Union, what was North Carolina? What was Rhode Island?

There can be but one answer: each of those States was a separate, independent sovereignty, just as Sweden is today.

The new Union had its Army, and the two separate States had theirs, consisting of their militia: and the two States were just as fully organized into political entities, as Holland and Denmark are at this time.

What surrender did those two States make of their control over their militia, when they at length came into the Union?

They surrendered nothing of that supreme, sovereign control, except that the Union might use this militia for the general welfare, in case it were menaced by invasion, rebellion, and resistance to the laws of the United States.

That is all.

What Rhode Island and North Carolina surrendered, the other eleven States yielded — that much and no more.

The first question—

What is the real character of our Government?

Reasoning applicable to other nations fails here. What Parliament may do in England, is one thing: what Congress may do, in the United States, another.

We lose our road before we get good started, if we ignore the dual system of the United States.

Gen. Logan, 1879, said of the United States Constitution: "It cannot have the aspect of both a sovereign nation and a collection of sovereign States."

A paradox of insurmountable character is involved in the very idea of such a thing."

In his reply, Mr. Hill said—

"It is a remarkable fact that, just what the honorable Senator from Illinois calls an insurmountable paradox, *is exactly the Constitution of the United States.*"

Mr. Hill then proceeds to quote from Mr. Madison's papers in *The Federalist*, and from Mr. Webster's replies to Hayne and Calhoun, demonstrating the mixed character of our system, the Federal Government being national in some respects and federal in others—for instance, the House of Representatives is national and the Senate, federal; while the Electoral College *is partly both.*

Mr. Hill rose in one of his flights of oratorical splendor as he described our complex system, evolved from the wisdom and experience of struggling centuries, a system whose model had never existed. He said, "When you hear about a man going to Rome or to Greece or to Switzerland, or anywhere, to find models by which to understand the Constitution of the United States, he is going in dark places to gather light."

Tracing briefly the contest between

the two conflicting theories concerning the Constitution, Mr. Hill denounced the extremists of both theories, and he is asked this memorable question—"If he is a traitor who would divide the States, how can he be less a traitor who would destroy the States?"

Within its orbit, the national government is supreme: within their spheres, the States.

For example, the State is sovereign over the jury-box, and the qualifications of voters: the national Government has no authority except to prevent racial discrimination.

Thus the sovereign States have to supply the Federal Government with jurors for its own courts, and with electors for its own elections.

In fact, the national Government has no electorate at all: the State not only furnishes the voters, but holds the elections.

If the national Government were deprived of State voters and jurors, it would be emasculated; but if the States were deprived of everything coming to them from the Federal Government, they would still be separate, independent, completely organized, and self-sufficient sovereignties.

Unless this undeniable fact is kept in mind, we miss the true understanding of our complex system of government, the like of which was never before seen in this world.

Students of government have said that our system was not a demonstrated success: they say it is still an *experiment.*

Perhaps they are right. And it may be that the supreme crisis of the experiment is upon us.

God help us to recognize the old landmarks, and to go by them.

I lay down this proposition as the basis of the argument against the new Acts:

The Fathers who framed the organic law of our Union were men who were loyal supporters of sovereign States, and who were careful to safeguard the States in the preservation of those sovereign powers not delegated to the Federal Government.

Not only does the organic law of the Union say this, in express terms, but that Supreme Law also recognizes the existence, in the people themselves, of powers which even the States could not lawfully impair.

If I may use the simile—*the people are the great reservoir of sovereignty*, from which the States draw for their needs. Afterwards, the States expressly gave to the Federal Government a specified portion of this power, so drawn from the reservoir; *but neither the Federal Government nor the States have exhausted the source from which their powers were drawn.*

Always, the people remain the rightful heirs of the English liberties which the writers call "immemorial"; and, if some of these inherited rights are not stated in the organic laws, they nevertheless exist, and can be asserted whenever the people see fit.

State or Federal Constitutions, subject to amendment at the popular will, have recently undergone great changes; and it is not improbable that the people will draw from the reservoir the power to enfranchise the women, and to prohibit the manufacture of intoxicating liquors.

In dividing sovereign powers between the States and the Federal Government which they were creating, our Fathers took particular pains to protect the States from military encroachment.

A student of the Convention Debates, of *The Federalist*, and of the Constitution itself, is struck by that.

In the Philadelphia Convention, the dread of military aggression found frequent utterance; and in *The Federalist*, the best efforts of Hamilton and Madison were put forth to allay those fears.

Again and again, Hamilton and Madison remnided their countrymen, that the Federal Government could never deprive the States of their power to withstand Federal encroachments, *because* the States would always have control of their militia, except when the Federal Government needed it, to

repel invasion, &c., and that, *even then*, the State's own officers would remain in command.

The scheme of the organic law of the Union, as shown in the very language used, was that the Federal Government should have an Army of its own, and that each State should have a militia system capable of maintaining order, enforcing law, and safeguarding the people from any sudden invasion.

The Federal Government has no authority whatever over the State's troops, save in the three emergencies mentioned in the Constitution.

It follows, therefore, that if the new laws of 1917 obliterate this clearly-drawn distinction, and lump the State troops with the National Army, they violate one of the most vital parts of the organic law, and destroy an integral part of the Constitutional scheme.

To merge the militia with the regular National Army, is to revolutionize our system of government, and to set up another, totally dissimilar.

Under the Constitution, as plainly written (and as put into operation by President Washington during the Pennsylvania Whiskey Rebellion), no Act of Congress is valid if it deprives the State Governors of their prerogative of *naming all the officers and issuing the call for the troops*, when the President declares, officially, his need of them to repel invasion, suppress insurrection, and execute the laws.

These provisions were placed in the organic law, out of wisely jealous regard for the reserved sovereignty of the States: Congress has no authority to change them, and the President cannot legally overbear them.

Consequently, the issue before this Court is narrowed to a conflict between the plain letter of the Supreme Law, upon the one hand, and, on the other, the Acts of Congress, followed by the President's proclamation, which virtually destroy the existence of the State militia.

Another provision of the Constitution was adopted for the declared purpose of safeguarding the States and the inherited liberties of the people; and that provision checks the Congressional power to raise a Federal Army, *by the two-year limit put on appropriations.*

As all the Representatives and one-third of the Senators were to be chosen bienially, it was thought that the Federal Government could never maintain a military establishment dangerous to the States and to popular rights.

The recent Acts of Congress spread these military appropriations over a period of 30 years; and therefore we say that the whole scheme, composed of these various recent acts, is absolutely violative of the Constitutional mandate which forbids that sort of appropriation for a term of more than two years.

It is claimed that "the power to raise armies" vests Congress with plenary powers, and that our Government ca raise armies by any method it thinks best.

This argument might have weight in England, where Parliament is untrammelled by a written Constitution, and where the Government does not have to lean on sovereign States; but it cannot have any force in thi scountry, before a capable and fearless Judge, who knows that Congress, alone, cannot breathe a soul into statutes: it is the Constitution *which breathes the breath of life into statutes.*

There is here no question of what the Court thinks Congress *should be* competent to do: it is simply and solely a question of what the Constitution authorizes.

Every house-top in America might be turned into a rostrum and resound with clamorous demands for *this* law, *that* law, and the other; but an upright Judge, thoroughly versed in the Supreme Law, will heed nothing save the lines in that Golden Book—that casket of the Constitution, which Senator Ben Hill said, keeps for us the sacred jewels of our own English ancestry.

Your Honor is requested to take judicial cognizance of the published Acts of Congress and the Proclamation of the President, July 10, 1917: we respectfully contend that these must all be construed together, as forming one

inseparable military plan, system, and policy.

These published Acts and the President's proclamation not only abolish the independent State militia, and contravene the clause of the Constitution which prohibits Congress from making appropriations of this character for a longer term than two years, but they destroy the ancient Common Law principle of *ne exeat*, and they violate the 13th Amendment.

No English principle was more firmly fixed, than that the subject could not be sent out of the realm without his consent. So long as he was innocent of crime, it was his right to abide in his native land. Sir William Blackstone is most emphatic on that point. The King could forbid his subjects to go abroad, but he could not banish them: they had as much right as he, to stay at home.

Your Honor will remember that, when Richard II. arbitrarily expelled Henry of Bolingbroke from England, there was great dissatisfaction; and when Bolingbroke returned, the people rallied to him and dethroned the King.

Hon. Hannis Taylor calls attention to the historic fact that, for a thousand years prior to 1776, the law of England had exempted the militia from service abroad, and he cites the statutes I Edw. III., 26 Geo. III.

Mr. Taylor not only quotes the official opinion which Attorney-General Wickersham gave to President Taft, February 17, 1912, but quotes the recent statements of President Wilson, who for so many years was Doctor of Laws, and Professor of Law at Princeton:

In an address delivered at New York, January 27, 1916, he said: "I believe that it is the duty of Congress to do very much more for the National Guard than it has ever done heretofore. I believe that that great arm *of our national defense* should be built up and encouraged to the utmost; *but, you know*, gentlemen, *that under the Constitution of the United States* the National Guard is under the direction of more than twoscore States; and it is not permitted to the National Government directly to have a voice in its development and organization; *and only upon occasion of* ACTUAL INVASION *has the President of the United States the right to ask those men to leave their respective States.*"

In an address delivered at Cleveland, Ohio, January 29, 1916, he said: "The President of the United States has not the right to call on these men [the National Guard] except in the case *of actual invasion*, and, therefore, no matter how skillful they are, no matter how ready they are, they are not the instruments for immediate national use."

In an address delivered at Milwaukee, January 31, 1916, he said: "The National Guard, fine as it is, *is not subject to the orders of the President of the United States.* It is subject to the orders of the Governors of the several States, *and the Constitution itself* says that the President has no right to withdraw them from their States even, *except in the case of actual invasion of the soil of the United States.*"

In an address delivered at Topeka, Kansas, February 2, 1916, he said: "*The Constitution of the United States* puts them [the National Guard] under the direct command and control of the Governors of the States, not of the President of the United States, and the *national authority has no right to call upon them for any service outside their States unless the territory of the Nation* IS ACTUALLY INVADED."

Our militia laws recognize this fundamental personal right, by virtually providing that the Federal Government shall never send the State troops out of the country. To defend our own soil *from the invader*, the Federal Government may employ the State militia: to suppress a domestic rebellion; and to enforce the United States laws within the Republic — these are the only purposes for which the State troops may be lawfully used.

Every one of those emergencies, contemplates SERVICE AT HOME.

The ancient Common Law is a part of our system, so recognized in all the standard authorities and leading decisions. The Constitution did not super-

sede it, but left it in full force by express provision. (Articles IX. and X. of the Amendments.)

Common law marriage still exists, and so do many other common law customs and principles, never specifically repealed. In fact, it is to the Common Law we must look, if we would learn what are those "rights . . . retained by the people," in addition to those which they had delegated to the United States and those "reserved to the States."

That there are powers and rights inherent in the people, and not surrendered to the States, or to the United States, the Supreme Law emphatically asserts in the Ninth and Tenth Amendments.

What are those powers and rights?

Whatever they are, the people are still the possessors, since they never delegated them, expressly, or by necessary implication.

Among those retained rights, is that of marriage without license, minister, or ceremonial formality: the highest New York Court has recently reaffirmed that doctrine.

To the same heritage of Common Law rights, belongs the principle that the citizen cannot be forcibly sent out of his native land.

To sum up the whole matter, we respectfully submit to your Honor, that *our Constitutional system*, prior to the adoption of the post-bellum Amendments, was intended and designed—

(1) To form a more perfect union of sovereign States than the old Confederation had brought into effect;

(2) To establish justice, in accordance with English ideals and institutions;

(3) To insure domestic tranquillity by placing under central control the militia of all the States, when internal tumults broke out;

(4) To promote the general welfare by a uniform system of laws and administration, on matters affecting all the States in common;

(5) To provide for the common defence of all the States, by using for each the power of all;

(6) To secure the blessings of liberty to ourselves and our posterity — those liberties which were so well understood at the time, that the Fathers thought it unnecessary to enumerate them in a Bill of Rights;

(7) To leave the States in full possession of all sovereign powers not ceded, including the right to prescribe the qualifications of voters, and of jurors: also the right to maintain a State militia, and govern the same, except when it was constitutionally called forth in the service of the United SStates for one of the three purposes named:

(8) To leave the citizen of the State in complete possession of his immemorial rights, as understood by the Fathers, and as set forth in such State papers as the Great Charter, the Act of Habeas Corpus, the Petition of Rights, the Bill of Rights, and the Amendments to the United States Constitution adopted prior to the Civil War.

Whether an Act of Congress imposing compulsory military service upon citizens of a selected age would have been held Constitutional prior to 1865, need not now be considered. We know that the States, alone, exercised that power, to some extent, during the Revolutionary War; and that the efforts of the Government in 1814 and 1833, to secure such an Act, were defeated.

At the time the Fathers invested Congress with the power "to raise armies," the small Kingdom of Prussia was the only European State that had been accustomed to raise them by compulsion. The English system, since Feudalism and its Knight-service of 40 days a year, had consistently been *voluntary*. Crimping and kidnapping were the abuses of the system, but there was never a legalized conscription until the third year of the present war; and even now, there is no compulsory service imposed upon Ireland, Canada and —I believe—Australia.

We earnestly submit to your Honor, that no decision made prior to 1865 would adjudicate the issues we raise in favor of these two complainants.

The 13th, 14th, and 15th Amend-

ments worked material changes in the pre-existing Constitutional system.

The negro and his civil status were the subjects matter; but the words of the law could not measure the citizen's rights by the color of his skin. What was law for the black, became law for the white; and what was law for the natural person, became law for the artificial.

I call your Honor's special attention to the fact that the United States Courts have held the 14th Amendment to annul the 11th.

The Eleventh Amendment denies to the United States Courts jurisdiction over suits commenced or prosecuted against one of the United States by citizens of another State; and that Amendment was adopted to protect the sovereign States from being made defendants in United States Courts by private citizens of a State, or of a foreign country.

It is well known that Chisholm's case against the State of Georgia was the provocative of that Amendment.

After the adoption of the Eleventh Amendment, it was universally respected by the United States Courts, during all the years preceding the Civil War, and during the entire period covered by that lamentable struggle.

But when the Fourteenth Amendment was adopted, after the War, a different course was pursued.

That change in the Supreme Law created, *for the first time*, a citizenship of the Federal Government, as distinguished from State citizenship; and the States were forbidden by the Federal Government, *for the first time*, to make any law abridging the rights of these newly-made United States citizens.

No State was thereafter to be allowed to deprive any person of life, liberty, or property, without due process of law; no rto deny to any person within its jurisdiction the equal protection of the laws.

How was it possible for the United States Courts to give effect to the Fourteenth Amendment without ignoring the Eleventh?

If the citizen-corporation of New York could not bring suit against the State of Georgia, claiming that the State had made a law violating the Fourteenth Amendment, where would redress be sought?

The long line of decisions in which the United States Courts have set aside, or enjoined the enforcement of, State laws, upon the ground that they were confiscatory, and therefore in violation of the Fourteenth Amendment, necessarily rest upon the idea that the later Amendment prevails over its predecessor.

Now, with all the earnestness of my nature, I appeal to your Honor to say whether the Fourteenth Amendment, so effective to safeguard property, does not equally protect life; and whether the Thirteenth Amendment, being a part of the radical change made in the Constitutional system, after the Civil War, does not override any preceding clause in the Supreme Law and all decisions made thereunder!

The vast combinations of wealth, incorporated for all manner of business enterprise, have taken refuge in the broad provisions of law, made particularly for the negro.

I was present, some 37 years ago, when the Justices of the Supreme Court of Georgia heckled and jeered at the late Frank H. Miller, when that able attorney invoked the Fourteenth Amendment in behalf of the Augusta Street Railway.

Justice Blandford told Mr. Miller, laughingly, that the Fourteenth Amendment had nothing to do with railroads: "*it was made for niggers.*"

With equal force, it *could* be said, that the Thirteenth Amendment was made for niggers; and, in *this* case, we would not care, because our clients are niggers.

But the Congressional leaders who prepared the general plan to safeguard the black man in all of his newly-won freedom, made their language as broad in the Thirteenth Amendment, as they did in the Fourteenth.

Not only the white man, but the corporations owned by the whites, can come into Court and successfully plead against any form of servitude to which they are opposed.

Can a corporation be made to serve the Government against its will?

That very issue may be sprung within the next few weeks, and your Honor may have to pass on it.

I am not speaking of martial law, duly proclaimed; nor of military law embracing camps, trenches, and troops in actual service: I am speaking solely of the civilian, and the civil status; and my contention is, that the citizen can no more be lawfully forced into military service, than he can be drafted to mine coal, smelt metals, build post-roads, and dredge rivers and harbors.

And my contention further is, that while the enlisted man, legally a soldier, is a soldier for all purposes, and from the very nature of the employment, may be sent anywhere and controlled absolutely by his officers, THE CIVILIAN, standing flat-footed on his rights under the Constitution, *cannot be arbitrarily deprived of his liberty, cannot be sent out of the United States, cannot be compelled to undergo any form of servitude, and cannot be legally controlled in his personal movements*, WHEN HE IS OUTSIDE OF THE TERRITORIAL JURISDICTION OF THIS REPUBLIC.

To say that Congress can forfeit the Constitutional rights of millions of citizens, and can authorize their despotic control in Europe, is abhorrent to every idea of civil liberty, and repugnant to every principle of sound law.

The Act of May 18, 1917, together with other legislation constituting the general Army plan, has been officially construed by the President to mean, not only the incorporation of the State militia into the Regular Army—which we say is unconstitutional — but to mean, that citizens may be "assigned" to manual labor, in fields, mines, and factories.

The language of the President in his Address to his Fellow Countrymen is, that "thousands, nay, hundreds of thousands of men, otherwise liable to military service, will *of right* and necessity be excused from that service, and ASSIGNED to the fundamental, sustaining work of the fields and factories and mines."

Has Congress the power to authorize a system of industrial servitude?

The law under discussion is held to be broad enough for that purpose, and the President apparently so understands it.

What else could be meant when he speaks of citizens being "assigned" to manual labor?

Who will do the assigning? Who will send a thousand black men to the fields, and a thousand white men to the mines?

If they are unwilling to be assigned, and must be coerced, what becomes of the Thirteenth Amendment?

The liberty of one is the liberty of all: in defending these two negroes, we defend everybody. If Congress can annihilate their civil status, and "automatically" transform them into soldiers, it can with equal legality transform them into peons, and slaves. No Alexandrian sword can cut a cleavage between the prohibition against slavery and the prohibition against involuntary servitude. The bolt which smites one, smites the other: the curse of the Supreme Law is pronounced against both.

How then, is Congress to raise armies?

The conscript has never yet played any part in English history; and very little in ours.

There are 4,000,000 volunteers fighting England's battles at this time; and nearly 1,000,000 Americans voluntarily enlisted in our Army. Who knows how many would volunteer, under conditions which convinced our people that such service is needed for the defense of the country?

There is no limit to the number of able-bodied men that the States may enroll in the militia, and the United States has ample constitutional power to appropriate every one of these men, provided the service is needed to repel invasion, suppress insurrection, or execute the laws of the Union.

Twelve million men will spring to arms, at the call of the Government, to defend their country.

It is the idea of being sent into for-

eign lands, to fight for something not understood, that agitates our people, deters enlistments, and spreads consternation.

Not a line of the Supreme Law indicates the purpose of the Fathers to authorize the use of the military for any other purposes than those stated in the Preamble, and in the body of the Constitution; and those provisions strictly limit the use of our troops t otranquilizing our own country, upholding our system of laws, and repelling any invader who ventures to attack our frontiers.

That question, however, is not before the Court. The only question here is, *the Constitutionality of this Act of Congress.*

If Congress has undertaken to raise armies by a method which violates the Supreme Law, then Congress must choose some other plan. To raise armies is a legitimate power, most necessary to preserve the Union; but that power must not be abused, to the destruction of our republican institutions.

If the destruction of the Temple of our liberties is a condition precedent to raising armies, then it is a colossal instance of paying too much for the whistle.

Liberties without armies, are preferable to armies without liberties.

History presents but too many illustrations of the truism, that a great noise, concerning imaginary foreign dangers, has often covered the designs of those who conspired against domestic freedom.

May it please your Honor, I beg leave to submit to your most thoughtful consideration these additional propositions—

(1) The new Acts of Congress emasculate the States, deprive them of powers necessary to preserve a republican form of government, and make it impossible for the States to protect their citizens in the enjoyment of those rights guaranteed to them by the Constitutions of the States:

(2) That the new laws usurp Federal control over the State militia, and render the sovereign State powerless, in case of any unforeseen and sudden riot, invasion, or other emergency which puts the State upon the defensive, to uphold its authority and defend its soil:

(3) That the new Acts disintegrate the States, disorganizing and revolutionizing their internal affairs, penalizing freedom of speech and of press; and rendering ineffective the State's Constitutional guarantee of life, liberty, property, and pursuit of happiness.

In other words, the Acts complained of amount to a repeal of the most important of the civil liberties set forth in every State Bill of Rights.

(4) They violate both the letter and the spirit of the organic act of the Union, totally subvert the scheme of divided and balanced sovereignty, reduce the States to the helplessness of subject provinces, and are therefore null and void.

(5) Section 6 of the Act (May 18, 1917) places under Presidential conscription every officer of the State. The new duties of the officials thus conscripted, are left undefined. Those State officers must obey such orders as the President chooses to issue. In case the Governor of a State fails or refuses to do what the President orders him to do, the Governor becomes guilty of a misdemeanor. If he should be unable to give bond when arrested, he must go to jail. He may then continue to act as Governor, as best he can, from the prison to which the President commits him. If found guilty at his trial, he may be punished by a year's imprisonment; or if held to be a part of the military establishment,—and therefore subject to military law — he may be summarily court-martialed and incontinently shot.

No other construction can be put upon Section 6, if it is admitted that the Governor is one of the officers of a State.

To every State-officer the same section applies; and no matter how pressing might be the needs of the State for the diligent service of her officials, she is compelled to sacrifice the inter-

ests of the State to the demands of the President.

In other words, the State government is paralyzed, and the various organs of State administration must cease to perform their functions, if the President exercises the enormous powers conferred by this Act.

Such powers are not democratic, or republican; they are imperial, belonging to systems where Divine Right and One-man Power are supreme, and where the personal will of the sovereign is not limited by charter or kept in check by independent, incorruptible courts.

You may ransack your law-libraries, read every paper of Hamilton and Madison, scan every speech of Webster and John Quincy Adams, study every decision of John Marshall, Joseph Story, and Roger Taney—but you will search in vain for the germ of the revolutionary doctrine, that Congress may, through the Executive, transform State Governors into Presidential satellites, lesser State officers into Federal officials, and suspend the sovereignty of the State, by sending the entire State establishment to jail, for non-performance of Federal duties, suddenly thrust upon it by Congress.

If this kind of thing can be done, anything can be done.

It comes dangerously near to abolishing the State's form of republican government, if it does not, *in fact*, DO THAT VERY THING.

What's left of the State's form of republican government, when her entire establishment is placed under conscription by the Federal Government?

What could be a more ruinous blow at the separate, sovereign existence of the State, within its Constitutional orbit, than an Act of Congress which fuses all State establishments into one Federal mass, and makes the whole mass criminal, if it fails to obey such commands as the President may see fit to issue?

It is almost a mockery to talk of the Constitution and the laws, and of our unprecedented mixed system of government, when such a revolutionary Act of Congress is being enforced.

Has any statesman in this Union ever contended that the President can be legally vested with authority to prescribe duties to any and all State officers? Has any Court done so?

Does the power to raise armies carry power to subjugate peaceful, loyal States?

Cannot we raise armies without burying the Constitution? Must we build our military system in the cemetery where we have first entombed the States?

It has been many years since I appeared in any court — except where compelled to go in my own behalf — and had not expected to ever argue another case. But the vital and lasting results that depend upon the recent Acts of Congress, caused me to volunteer my services, and I am here, without fee or other reward, and with no other interest than that of a lover of liberty and of country.

As well as possible, under the shadow and handicap of a terrible domestic affliction, I have done my duty by those who trusted me.

The issue is with your Honor.

Let me conclude, in the words with which Mr. Hill ended the great argument already quoted:

"Sir, in disunion *through the disintegration of the States*, I have never been able to see anything but *anarchy with its endless horrors*. In disunion through *the destruction of the States*, I have never been able to see anything but *rigid, hopeless despotism*, with all its endless oppression. In disunion by any means, in any form, for any cause, I have never been able to see anything but *blood, and waste, and ruin to all races and colors and conditions of men.*

"But in the preservation of our Union of States, this confederate nation, I have never been able to see anything but a grandeur and a glory such as no people ever enjoyed. I pray God that every arm that shall be raised to destroy that Union may be withered before it can strike the blow."

Indictment of Free-Masonry

By the Very Rev. J. D. Faulkes, S. J.

At Lenten Services, on Thursday Night, at Jesuits Church

History of Freemasonry and Why the Church Condemns Masonic Orders. Father Foulkes Read the Horrible Masonic Oaths from Books Written by Thirty-third Degree Mason.—The God of the Masons Is Not the Christian God.—Drinking from Human Skulls to Seal Solemn Pledges that Violate the Ten Commandments. Father Foulkes Prophesies that the Catholic Church Will Be in Existence When Freemasonry Is a Corpse.

Taking from strictly secular and Masonic sources, his proof that Freemasonry is incompatible with the observance of the Decalogue, and showing the logical reasons why the Catholic church has set her fiat against it, Very Rev. J. D. Foulkes, S. J., preached a Lenten lecture that will go down in the history of the Jesuit church as one of the most remarkable ever delivered from a pulpit from which have been thundered such masterly orations in the cause of truth. Every seat in the vast church was filled and every available bit of standing room occupied. The sanctuary, where chairs had been placed, accommodated hosts of black-coated figures, representing men of every walk in life, and many occupied seats upon the altar steps, while the galleries were filled. Many non-Catholics and not a few of the Masonic order came to listen to the lecture.

The atmosphere was tense as Father Foulkes quietly presented his indictment of Freemasonry, reading one after the other of the horrible oaths that commit a man irrevocably to the tenets of the order under such frightful alternatives.

In opening his sermon Father Foulkes addressed his congregation, "Catholics as well as non-Catholics, Masons as well as non-Masons"; as "My dearly beloved friends in Christ," and said he wished it understood that every word of that utterance was to be taken in its deepest, truest significance. Proceeding to give the definition of Freemasonry, he referred his hearers to that splendid article on the subject, one of the finest of its kind, written by Hermann Gruber, in the Catholic Encyclopedia, which outlined the difference between the Masonic guilds of the guilds of the Middle Ages. He wished to bring before ignorant Catholics, who are often asked to deny the statement when told that the Popes have Masons, the enormous difference between the Masonic guilds of the Middle Ages, which had as their chaplains and sponsors Popes and Cardinals and Bishops, and which were made up of Catholic workmen, and modern Freemasonry, with its hideous oaths and violent antagonism to Christian teachings, showing how, with the spread of Christian architecture, certain skilled architects disassociated themselves from the main guilds and became known as Freemasons, in order that they might travel and do their work in different cities. To such are due those wonders of architecture embodied in the grand Cathedrals of Rouen, Rheims, Cologne, Westminster Abbey, Yorkminster, Chichester Ely Cathedral, and others.

These Masonic guilds were formed directly under the Pope's direction and patronage, and were thoroughly Catholic and had no connection with modern Freemasonry, which only dates from 1717, when the Grand Lodge of England was established, though modern Masons are accustomed to claim that their order dates back to Solomon.

Mackey, in his "Symbols of Freemasonry," page 303, defines Freemasonry as "a peculiar system of morality veiled in allegory and illustrated by symbols."

After dwelling upon a brief history of Freemasonry in America and England, Father Foulkes showed why the system has been condemned by the Popes.

The claim has been made that Anglo-American Freemasonry has nothing in common with European or Central or South American Freemasonry is "neither in affiliation, amity or relation with European, South and Central American Freemasonry."

"In answer to this," Father Foulkes said, "I will present to you a statement certainly not coming from any priest, nun or monk, or yet any black-coated Jesuit, but from the World's Almanac of 1916—certainly an up-to-date source. I would give you that of 1917 if it were out. Read the definition given. These Grand Lodges" (speaking of the Anglo-American ones, including Royal Arch Masons, the Knights Templar, the Nobles of the Mystic Shrine, etc.) "these Grand Lodges are in full affiliation with the English Grand Lodges, of which the Duke of Connaught is Grand Master, and the Grand Lodges of Ireland, Scotland, Cuba, Peru, South Australia, Mexico, the Netherlands, Belgium, Sweden, Norway, Denmark, New South Wales, Victoria, and also with the Masons of Austria and Germany. They are not in affiliation and do not correspond with the Masons under the jurisdiction of the Grand Orient of France. They, however, affiliate with and recognize Masons under the jurisdiction of the Supreme Council.

"*Freeemasonry is under the ban of the church in Spain and other Catholic countries, and membership is still scattered.*"

Father Foulkes then reviewed something of the organization of the Royal Arch Masons, the Knights Templar, the Free and Accepted Colored Masons of the State of New York, though he said it might be just as well to let the poor colored brethren alone, in view of so many greater and illustrious orders. He also dwelt on something of the organization of the Nobles of the Mystic Shrine, which, according to the World's Almanac, is not a regular Masonic body, but is made up of Masons who have reached the thirty-second degree, the eighteenth degree in England, or Knights Templar in good standing.

"*Why does the Catholic church condemn Masonry?" he asked, and said in ringing tones that "it is because the Catholic church stands for the Decalogue as given to Moses on Mount Sinai and interpreted by Jesus Christ the Son of God.*"

"Does Masonry stand for this " he asked. "Let us see," and he held up a book which he said he would be glad to show any Mason or non-Mason who doubted his word. This was no less than "Richardson's Monitor of Freemasonry, a Practical Guide to the Ceremonies Conferred in Masonic Lodges, Explaining the Signs, Tokens and Grips, and Giving All Words, Pass-words, Oaths and Hieroglyphics Used by Masons." The ineffable and estimable degrees are also given in full, according to the title page.

"*The book," said the speaker, "is by Jabez Richardson, A. M., himself a thirty-third degree Mason. It was written, therefore, by no booby, no ignoramus for inexperienced man, since he had both a high college and Masonic degree.*

"It was copy righted in 1860 and in 1868 by B. H. Day, and was published by Dick & Fitzgerald, in New York.

"This Monitor," said Father Foulkes, "gives us every initiation in every degree, with oaths, signs and symbols. And, by the way, if the Monitor of Mr. Richardson was gotten up by him against Masonry, then Mr. Richardson should have been put in the penitentiary for criminal libel if what he says is not true. This book must be genuine, since the same signs and symbols of the craft are published in the 'Freemason's Monitor,' by Thomas Smith Webb, Grand Master, etc., to which is added a Monitor of the ancient and accepted rights generally known as the 'Ineffable Degree,' by E. T. Carson,

Sovereign Grand Commander, Ohio Consistory of P. R. S., Thirty-second Degree, published in Cincinnati by Applegate & Co., 43 Main street, 1865. I would prove from these books," said Father Foulkes, "the violation of the Decalogue.

"*It is is true, as they claim, that the Masons believe in a God, it is not the Christian God. It is a God of geometry, measurable by rule and compass. Let us see how the Decalogue is violated.*

"When John Smoth applies for the degree of apprentice he takes this oath: 'I, John Smith, of my own free will and accord, in presence of Almighty God, will always have, ever conceal, and never reveal any point or points, art or arts, part or parts, of the secrets, arts and mysteries of Ancient Freemasonry which I have received, am about to receive, or may hereafter be instructed in, to any person or persons in the known world except it be a true and lawful Mason or within the body of a just and lawfully constituted lodge of such, and not unto him nor unto them, whom I shall hear so to be, but unto him and them only whom I shall find so to be, after strict trial and due examination, or strict trial and lawful information, to all of which *I do most solemnly and sincerely promise and swear, without the least equivocation, mental reservation or self-evasion of mind, in me whatsoever, binding myself under no less penalty than to have my throat cut across, my tongue torn out by the roots, and my body buried in the rough sands of the sea at low-water mark, where the tide ebbs and flows twice in twenty-four hours, so help me God.*'

"I wonder what God?" Father Foulkes asked, "is called upon to witness this horrible oath. Is it the great Unknown God, the Jehovah of the Hebrews, the God of the Christians, or the mathematical God of the Square and Compass? The Master then tells the candidate: 'In token of your sincerity, kiss this Book.' What Book? The Bible of the Jew and the Christian, and with his hand on this sacred and inspired Writing the candidate takes the frightfully rash oath, that violates the second Commandment."

Father Foulkes passed from the first and second degrees and stopped at the third, to see why the Catholic church is opposed to Masonry, and how Masonry is in opposition to the sixth Commandment.

"In the third degree," he said, "the Master Mason's degree, the candidate in his oath uses these words: 'Furthermore, do I promise and swear that I will not violate the chastity of a Master Mason's wife, mother, daughter or sister, nor suffer it to be done by others, if in my power to prevent it, I knowing them to be such.' And so, a Master Mason may not violate the chastity of the wife, mother, daughter or sister of any Master Mason or any Mason ow a higher degree, but holds no obligation to preserve the chastity of any woman not so related to these high degree Masons.

"*Why not take the oath to keep inviolate the chastity of any woman, as commanded in the sixth Commandment? But the Master Mason limits himself by his oath.*

"The Catholic church," Father Foulkes went on, "opposes Masonry on account of its violation of the Seventh Commandment, 'Thou shalt not steal.' Listen to the Masonic oath of the Master Mason: 'Furthermore, do I promise and swear that I will not wrong this lodge or a brother of this degree (that of Master Mason), to the value of his wages, or one penny, myself, knowingly, nor suffer it to be done by others, if in my power to prevent it.' And so again the Master Mason has a perfect right to wrong, to the value of his wages, any man or woman who does not btlong to the craft.

"There was a story printed in a newspaper recently," Father Foulkes went on, "of how a certain command was given in Flanders and a brilliant charge was made, when, all of a sudden, the men in the forefront of the opposing army threw up their hands and the bayonets of the charging soldiers went down before that sign. It is a story that I do not like to believe

without proof; perhaps the reporter was mistaken.

"Listen to the oath of the Royal Arch Mason in another of his oaths: 'I furthermore promise and swtar that I will not strike a companion Royal Arch Mason, so as to draw his blood, in anger. I furthermore promise and swear that I will employ a companion Royal Arch Mason in preference to any other person of equal ffualification.' Here, let it be noted, that, of two applicants for a position, one of them, a bookkeeper with a wife and eight children, and the other a Royal Arch Mason unencumbered with the support of any one but himself, the preference must be given to the Royal Arch Mason. Let the wife and children of the bookkeeper starve; the principles of Masonry must be upheld. A most competent workman may not secure a position because the Royal Arch Mason must be taken in preference.

"*Again, we come to another oath of the Royal Arch Mason," Father Foulkes said, turning over the leaves of the Monitor.* "'*I furthermore promise and swear that I will assist a companion Royal Arch Mason when I see him engaged in any difficulty, and will espouse his cause so far as to extricate him from the same, whether he be right or wrong.*'

"But we are getting up higher and higher. Let us see," Father Foulkes went on, "let us see now something of the Order of Knights Templar and the oath taken by them. When the Grand Commander gives the charge to one to be initiated, he says: 'Pilgrim, the fifth libation is taken in a very solemn way. It is emblematical of the bitter cup of death, of which we must all sooner or later taste, and even the Savior of the world was not excepted, notwithstanding his repeated prayers and solicitation. It is taken of pure wine, and from this cup (exhibiting a human skull into which he pours the wine), and says:

"'*To show you that we herewith practice no imposition, I give you this pledge.' (Drinks from the skull.) He then pours more wine into the skull and presents it to the candidate, telling him that the fifth libation is called the sealed libation, as it is to seal all former obligations in Masonry.*

"Is this the twentieth century," Father Foulkes said, "of advanced civilization, or rather is not this libation something which we might well attribute to the American Indian, untamed and uncivilized, of several generations ago?

"Now we proceed and go still higher up in Masonry, until we are initiated into the thirtieth degree as embodied in the Knights of Kadosh. Here is what two Knights, taking each other by the hand, have to say to the commander who is initiating them into the mysteries of the order:

"'*We promise, and swear by the living God, always supreme, to revenge the death of our ancestor, and which of us that in any manner should commit the most light indiscretion, touching the secret of our order, shall suffer death, and shall have his body buried under the throne of this illustrious assembly.' Is that a violation of the fifth Commandment, or is it not?*

"In the same degree the commander administers to the candidate the following oath: 'You promise and swear at all times to possess a sweetness of mind.' And this is not so bad; the Catholic church similarly addresses her children, 'and, as much as you are capable, to love and cherish your brothers as yourself, to help them in their necessities to visit and help them when sick.' One would imagine from this that there were really Catholic Masons; but listen to the last words of the oath: 'And never to draw arms against them on any pretext whatsoever.' So, my dearly beloved friends in Christ, soldiers and officers may revolt against their king, their emperor or czar, the orders of their generals, if they are pitted against a Knight of Kadosh. Is not this a sin against the fourth Commandment?

"*After all, as in a flash, it comes to me, maybe the newspaper reporter was right about that story of the Flanders trenches, when the soldiers' bayonets went down before the Masonic sign; perhaps, after all, we find here the*

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proof of that ugly story I was so slow to believe.

"The Catholic church stands for constituted authority, and the fourth Commandment means obedience to more than parents—it means respect for all legal authority—and this, I say, is violated by the oath the Knight of Kodash is required to take and observe.

"Again, the commander administers the oath, and more to follow, 'At all times and in all points, every matter that you are ordered and prescribed by the Illustrious Knights and Grand Commander to whose orders you swear submission and obedience, on all occasions, without restriction.' The candidate here says, 'I promise and swear.'" The speaker stopped abruptly. "Evidently," he said, "the degree cannot be taken by anyone bound by vows to the Catholic church.

"The commander goes on, 'You swear never to receive a brother in the degree, on any pretext whatsoever, whose will is not free, as religious monks, and all those who have made vows without restriction to their superiors.' So I, poor black-robed Jesuit, have no chance of becoming a Knight of Kadosh!

"*Now," said Father Foulkes, "we come to the only degree where the real secrets of Masonry are learned. This is the Grand Sovereign Inspector General's Degree, known as the thirty-third degree of Masonry. We quote the oath administered by the commander:*

"'I do hereby promise and swear, on my word of honor, on the faith of an honest man, in the presence of the Great Architect of the Universe, and before the assembly, to guard and preserve the mysteries of the degree which has been conferred on me, not only from the profane, but from all of an inferior degree, under the penalties of all my former obligations, and I consent, if I violate this obligation, to have my tongue torn out by the roots.'

"Thus, my Grand Sire Mason, if you are not Sovereign Inspector General, Past or Present," impressively declared Father Foulkes, "you do not know the inner secrets of Masonry.

"*Had I the time I would stop and show how the principles of Freemasonry came out in the open and were put into practice during the terrible French Revolution, when Liberty, Equality and Fraternity were the watchwords; and again we could prove also that the Portuguese Revolution was instigated and helped by Masonic Lodges.*

"I could prove that Masonry has a religion of its own; but I have kept you too long already, and time will not permit me to read the various articles that would prove these claims, and which were published in America, quoting Masonic oaths. I must, however, tax your patience a little longer to read the latest Decalogue, if I may so call it, of modern Masonry. In the Bien Public, of Ghent, we have this series of theses quoted from the principal review of the German Freemasons—Bauhutte—in its issue of March 30, 1912, which published a series of maxims, discussed and voted on, at a Masonic meeting held in Frankfort to consider the admission of Catholics into the order.

"*The most important of the resolutions promulgated are the following:*

"'1. The Catholic church is one and the same as Ultramontanism and Clericalism. Ultramontanism is the doctrine of the church applied to life; Clericalism is the guardian and champion consecrated by the church.

"'2. The Catholic church is the irreconcilable foe of intellectual culture—that is to say, of civilization. It opposes progress, while Freemasonry favors it as a means of promoting and diffusing intellectual education.

"'3. In the much-controverted question of education and human destiny, there is open opposition between Freemasonry and the Catholic church.

"'4. If a believing Catholic cannot become a Freemason, it is not because any lodge will refuse to admit him on account of his faith, for men of all

"'5. It is, nevertheless, true that no sincere Freemason can be a Catholic, who can properyl be regarded as such. For no Catholic can accept the idea of an emancipated humanity. His faith exacts from him the sacrifice of his intelligence.

"'6. Every Catholic who aspires to be a Freemason ought to be warned, before being received, of the ecclesiastical mensures with which his church will strike him. After his reception he must be told that, in order to rid himself and his family of the annoyances on the part of the clergy, he must declare, by his last will and testament, that he is to renounce Christian burial. The following is the formula of such renunciation: "Knowing the laws of the Catholic church with regard to Freemasonry, I declare by these presents my firm will: 1. That at the approach of death I renounce the assistance of a Catholic priest, as I do not wish to renounce my Masonry, or violate my promises or betray my brethren. 2. That, after my death, my obsequies shall be performed according to Masonic usages, which, however, will not prevent my family from requesting the presence of a minister of any sect they may choose for their own spiritual comfort."

"'7. Freemasonry recognizes the moral and civilizing resources of the Catholic church, nevertheless it should not close its eyes to the general anti-social tendencies of that church.

"'8. Wherever the Catholic church puts its ban on religious toleration, or crushes liberty of belief, and wherever it eliminates freedom of research in its effort to make ecclesiastical dogma the basis of all intellectual culture, Freemasonry should be its avowed enemy, and combat it with the greatest vigor.'

"*In conclusion*," *Father Faulkes said*, "*I have answered the question in my program of sermons*, '*Why the Catholic Church is Opposed to Masonry*,' *from their own rituals, monitors and reviews. I now say and prophesy that the Catholic church will still be in existence* when some stranger from some hitherto undiscovered island in the South Seas will stand in the District of Columbia on the dust of the Washington monument to sketch the ruins of our great capital, when Masonry is a corpse, on the eve of the great day of final conflagration, when the Angel of God will blast out the message, 'Arise, ye dead, and come to judgment.'"

(Editor's Note:

I publish the foregoing tirade of libellous abuse, for the benefit of the sap-head Masons who fraternize with the 4th degree Knights of Foreign Footkissery. T. E. W.)

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City Physicians Explain Why They Prescribe Nuxated Iron to Make Beautiful, Healthy Women and Strong, Vigorous Men

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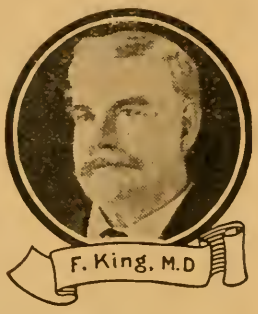
Quickly transforms flabby flesh, toneless tissues, and pallid cheeks of weak, anaemic men and women into a perfect glow of health and beauty—Often increases the strength of delicate, nervous, run-down folks 100 per cent. in two weeks' time.

IT is conservatively estimated that over three million people annually in this country alone are taking Nuxated Iron. Such astonishing results have been reported from its use both by doctors and laymen, that a number of physicians in various parts of the country have been asked to explain why they prescribe it so extensively, and why it apparently produces so much better results than were obtained from the old forms of inorganic iron.

Extracts from some of the letters received are given below:



Dr. Ferdinand King, a New York Physician and Author, says: "There can be no vigorous iron men without iron."

Pallor means anaemia.

Anaemia means iron deficiency. The skin of anaemic men and women is pale. The flesh flabby. The muscles lack tone, the brain fags and the memory fails and they often become weak, nervous, irritable, despondent and melancholy. When the iron goes from the blood of women, the roses go from their cheeks.

In the most common foods of America, the starches, sugars, table syrups, candies, polished rice, white bread, soda crackers, biscuits, macaroni, spaghetti, tapioca, sago, farina, degerminated cornmeal, no longer is iron to be found. Refining processes have removed the iron of Mother Earth from these impoverished foods, and silly methods of home cookery, by throwing down the waste-pipe the water in which our vegetables are cooked is responsible for another grave iron loss.

Therefore, if you wish to preserve your youthful vim and vigor to a ripe old age, you must supply the iron deficiency in your food by using some form of organic iron, just as you would use salt when your food has not enough salt.

Dr. Sauer, a Boston physician who has studied both in this country and in great European Medical Institutions, says: "As I have said a hundred times over, organic iron is the greatest of all strength builders If people would only take Nuxated Iron when they feel weak or rundown, instead of dosing themselves with habit-forming drugs, stimulants and alcoholic beverages I am convinced that in this way they could ward off disease, preventing it becoming organic in thousands of cases and thereby the lives of thousands might be saved who now die every year from pneumonia, grippe, kidney, liver, heart trouble and other dangerous maladies. The real and true cause which started their diseases was nothing more nor less than a weakened condition brought on by lack of iron in the blood."

Not long ago a man came to me who was nearly half a century old and asked me to give him a preliminary examination for life insurance. I was astonished to find him with the blood pressure of a boy of twenty and as full of vigor, vim and vitality as a young man; in fact, young man he really was notwithstanding his age. The secret, he said, was taking iron—Nuxated Iron had filled him with renewed life. At 30 he was in bad health; at 46 he was care-worn and nearly all in—now at 50, after taking Nuxated Iron a miracle of vitality and his face beaming with the buoyancy of Youth.

Iron is absolutely necessary to enable your blood to change food into living tissue. Without it, no matter how much or what you eat, your food merely passes through you without doing you any good. You don't get the strength out of it, and as a consequence you become weak, pale and sickly-looking, just like a plant trying to grow in a soil deficient in iron.

If you are not strong or well, you owe it to yourself to make the following test: See how long you can work or how far you can walk without becoming tired. Next take two five-grain tablets of ordinary nuxated iron three times per day after meals for two weeks. Then test your strength again and see how much you have gained. I have seen dozens of nervous, run-down people who were ailing all the while double their strength and endurance and entirely rid themselves of all symptoms of dyspepsia, liver and other troubles in from ten to fourteen days' time simply by taking iron in the proper form. And this after they had in some cases been doctoring for months without obtaining any benefit. But don't take the old forms of reduced iron, iron acetate, or tincture of iron simply to save a few cents. The iron demanded by Mother Nature for the red coloring matter in the blood of her children is alas! not that kind of iron. You must take iron in a form that can be easily absorbed and assimilated to do you any good, otherwise it may prove worse than useless. Many an athlete and prize-fighter has won the day simply because he knew the secret of great strength and endurance and filled his blood with iron before he went into the affray; while many another has gone down in inglorious defeat simply for the lack of iron.

Dr. Schuyler C. Jaques, Visiting Surgeon St. Elizabeth's Hospital, New York City, said: "I have never before given out any medical information or advice for publication, as I ordinarily do not believe in it. But in the case of Nuxated Iron I feel I would be remiss in my duty not to mention it. I have taken it myself and given it to my patients with most surprising and satisfactory results. And those who wish quickly to increase their strength, power and endurance will find it a most remarkable and wonderfully effective remedy."

NOTE—Nuxated Iron, which is prescribed and recommended above by physicians in such a great variety of cases, is not a patent medicine nor secret remedy, but one which is well known to druggists and whose iron constituents are widely prescribed by eminent physicians everywhere. Unlike the older inorganic iron products, it is easily assimilated, does not injure the teeth, make them black, nor upset the stomach; on the contrary, it is a most potent remedy in nearly all forms of indigestion, as well as for nervous, run-down conditions. The manufacturers have such great confidence in Nuxated Iron that they offer to forfeit $100.00 to any charitable institution if they cannot take any man or woman under 60 who lacks iron, and increase their strength 100 per cent or over in four weeks' time, provided they have no serious organic trouble. They also offer to refund your money if it does not at least double your strength and endurance in ten days' time. It is dispensed by all good druggists.